



Arlington Zoning Board of Appeals

Date: Tuesday, November 23, 2021

Time: 7:30 PM

Location: Conducted by remote participation

Additional Details:

Agenda Items

Administrative Items

1. Remote Participation Details

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the Arlington Zoning Board of Appeals meetings shall be physically closed to the public to avoid group congregation until further notice. The meeting shall instead be held virtually using Zoom.

Please read Governor Baker's Executive Order Suspending Certain Provision of Open Meeting Law for more information regarding virtual public hearings and meetings: <https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

You are invited to a Zoom meeting.

When: Nov 23, 2021 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tZApdeyvpz4tE9X1MKGUxkjUHdv5BIU3CVV7>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID: 844 2579 5791

Find your local number: <https://town-arlington-ma-us.zoom.us/u/adNWeNXzLr>

Dial by Location: 1-646-876-9923 US (New York)

2. Members Vote: Approval of Decision for 31 Melvin Road

Hearings

3. **Docket # 3658: 83 Palmer Street**
4. **Docket # 3676: 16-18 Swan Place**

5. **Docket # 3677: 25 Highland Avenue**
6. **Docket # 3675: 137 Robbins Road**

Meeting Adjourn



Town of Arlington, Massachusetts

Remote Participation Details

Summary:

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the Arlington Zoning Board of Appeals meetings shall be physically closed to the public to avoid group congregation until further notice. The meeting shall instead be held virtually using Zoom.

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Town of Arlington, Massachusetts

Docket # 3658: 83 Palmer Street

ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	ZBA_Package_83_Palmer_Street__Continuance.pdf	ZBA Package, 83 Palmer Street, Continuance
❑ Reference Material	83_Palmer_Street-plot_plan-landscape_plan-2_newdimensional_form.pdf	83 Palmer Street-plot plan-landscape plan-2 newdimensional form
❑ Reference Material	Zoning_Memo_2021_11_15.pdf	Zoning Memo 2021 11 15
❑ Reference Material	83_Palmer_REVISED_11-22-21.pdf	83 Palmer REVISED 11-22-21
❑ Reference Material	Arlington_Palmer_83_11_22_21.pdf	Arlington Palmer 83 11 22 21



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by **Carney General Contracting** of Arlington, Massachusetts on October 7, 2021, a petition seeking permission to alter their property located at **83 Palmer Street - Block Plan 042.0-0003-0009**. A Said petition would require an "**Appeal from the Building Inspector**" of the Zoning Bylaw. The appeal addresses the issue of whether the existing structure could be razed and re-built.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening November 23, 2021 at 7:30 P.M or as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:**

[https://town-arlington-ma-](https://town-arlington-ma-us.zoom.us/meeting/register/tJArcuGogj0tGdOAzh3RophsZAhpu5bDJzj)
[us.zoom.us/meeting/register/tJArcuGogj0tGdOAzh3RophsZAhpu5bDJzj](https://town-arlington-ma-us.zoom.us/meeting/register/tJArcuGogj0tGdOAzh3RophsZAhpu5bDJzj)

After registering, you will receive a confirmation email containing information about joining the meeting. **For documentation relating to this petition, visit the ZBA website at: www.arlington.ma.gov/zba.**

DOCKET NO 3658

Zoning Board of Appeals
Christian Klein, RA, Chair

Please direct any questions to: **ZBA@town.arlington.ma.us**

INFORMATION FOR BOARD OF APPEALS RECORD

To be completed by OWNER, signed, and returned to Secretary of the Board of Appeals:

Matthew Ghofrani and Deborah A Ghofrani
(Owner or Petitioner)

Address: 83 Palmer Street

City or Town: Arlington

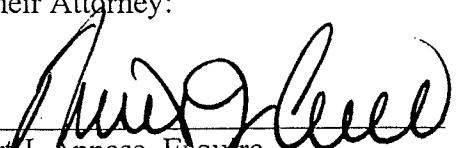
Premises: 83 Palmer Street, Arlington, MA
(Street & Number) (Identify Land Affected) (City)

the record title standing in the name of Matthew Ghofrani and Deborah A Ghofrani

whose address is: 83 Palmer Street, Arlington, MA
(Street) (City or Town) (State)

by deed duly recorded in the Middlesex Registry of Deeds, Book 24538, Page 152

By Their Attorney:


Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, Massachusetts 02476
(781) 646-4911
(781) 646-4910 – facsimile
law@robertannese.com

REQUEST FOR SPECIAL PERMIT
TOWN OF ARLINGTON

In the matter of the Application of **Matthew Ghofrani and Deborah A Ghofrani** to the Zoning Board of Appeals for the Town of Arlington: **concerning real estate located at 83 Palmer Street, Arlington, Massachusetts located in an R2 Zone.**

Application for a Special Permit is herewith made, in accordance with Section 3.3 of the Zoning Bylaw for the Town of Arlington, Massachusetts, seeking relief from the following specific provisions of the Zoning Bylaw, and as described fully in the attached form, *Special Permit Criteria:*

The Petitioners seek a special permit from the Zoning Board of Appeals to allow the construction of a two-family residential dwelling on Lot B containing 5,507 square feet shown on the attached plan of Michael J. Cameron dated September 21, 2021.

The Applicants state they are the owners of the land in Arlington located at 83 Palmer Street, Arlington, Massachusetts with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The Applicants expressly agree to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicants represent that the grounds for the relief sought are as follows:

Applicants seek a Special Permit from the Zoning Board of Appeals in order to construct a two-family residential dwelling on Lot B originally referred to in a Zoning Board of Appeals' Decision dated March 11, 1955, a copy of which is affixed to this Request for Special Permit and incorporated into its terms by reference, with that Decision allowing a subdivision of two lots, i.e. Lot B and Lot 9 with Lot 9 originally containing 7,821 square feet to be combined with Lot B containing 2,269 square feet resulting in two separate lots, one containing 5,507 square feet and the other containing 4,583 square feet. The result of that subdivision

approval by the Zoning Board was that the lot containing 4,583 square feet contained a single-family home at the time of the 1955 Zoning Decision and continued as such and subsequent to the 1955 Zoning Decision, a single-family home was constructed on the lot containing 5,507 square feet i.e., Lot B.

Most of the other properties located in the neighborhood of the subject property are two-family homes and not single-family homes.

The Applicants propose to construct a two-family residential structure on the lot as shown on the plan identified as "Plot Plan in Arlington, MA 83 Palmer Street" dated September 21, 2021 by D & A Survey Associates, Inc., P.O. Box 621, Medford, MA 02155.

The assessing records for the Town currently show the lot containing 5,507 square feet being assessed as a two-family lot and the lot containing 4,583 square feet classified as a single-family lot. See assessing records affixed to this petition and incorporated into its terms by reference.

The Applicants request a Special Permit in accordance with the Dimensional and Parking Information provided as well as the Open Space/Gross Floor Area information provided with this petition.

E-Mail: law@robertannese.com

Signed:

Telephone: 781-646-4911

Address: 1171 Massachusetts Avenue, Arlington, MA 02476



Date: 10/7/21

Special Permit Criteria: Per Section 3.3.3 of the Zoning Bylaw, a Special Permit shall only be granted upon the Board's determination that the benefits of the proposed project will outweigh its adverse effects. The responses provided below will inform the Board as to whether the standards for approval have been met.

A.) Indicate where the use requested is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Arlington Zoning Bylaw.

See Zoning Decision of March 11, 1955, affixed to this Special Permit Criteria incorporated into its terms by reference as well as Section 3.3.3 of the Zoning Bylaw as the use requested is listed as a Special Permit use in the Use Regulations for the applicable District or so designated elsewhere in the Bylaw.

B.) Explain why the *requested use is essential or desirable to the public convenience or welfare.*

If Applicants are allowed to construct a two-family residential duplex on the property it will add an additional needed residential unit to the Town residential base and will be located in a R2 Zone as defined in the Zoning Bylaw.

C.) Explain why the *requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

D.) Explain why the *requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.*

There will be no overload of any public water, drainage or sewer system, or any other municipal system because the relief requested consists of permission to construct a two-family residential building on the subdivision lot which is in an R2 Zone.

E.) Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provision of Section 8 are fulfilled.

There are no special regulations pertaining to this lot.

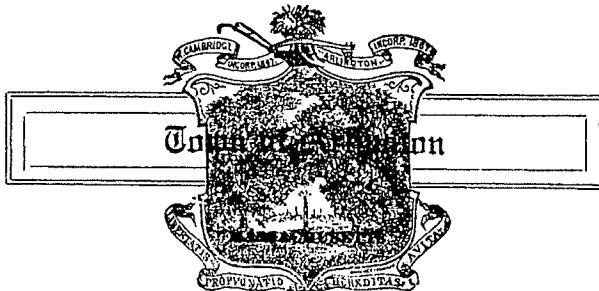
F) Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The construction on Lot B of a two-family duplex residential building will be in keeping with other two-family homes constructed over the years in the neighborhood, many of which have less lot square feet than does the Applicants' lot. Consequently, construction of the two-family duplex residential dwelling on the lot will be in keeping with the integrity and character of the neighborhood and will not be detrimental to the health or welfare of inhabitants of the Town or inhabitants of the neighborhood of the property. In addition, the request relief meets the criteria of Section 3.3 of the Zoning Bylaw.

G.) Explain why *the requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.*

The proposed two-family duplex residential dwelling will be in keeping other two-family homes located in the neighborhood of the property and there will not be an excess of the use which could be detrimental to the character of the neighborhood.

BOARDS OF APPEALS



TELEPHONE
ARLINGTON 5-6700

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 4, Paragraph 5 of the Zoning By-Law that there has been filed by Carmine A. and Anna A. Lionetti of Arlington, Massachusetts a petition seeking permission to subdivide two lots located in back of number 12 Beacon Street, Arlington, Massachusetts. Said subdivision would create two lots with less than the square foot area required by Section 14-B of the Zoning By-Law.

Hearing in regard to the said petition will be held in the Town Manager's Office, located on the second floor of the Robbins Town Hall, Arlington, Massachusetts on Monday evening, February 21, 1955 at 9:00 O'Clock P.M.

ZONING BOARD OF APPEALS

Clifford E. Lansil
Secretary

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

PETITION NO. 411

of Carmine A. & Anna A. Lionetti

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the Petition of Carmine A. & Anna A. Lionetti for permission to subdivide a parcel of land at 12 Beacon Street.

The Petition was filed in the office of the Inspector of Buildings on January 26, 1955. The hearing was held at the Town Hall on Monday evening, February 21, 1955 after due notice had been given by publication in the Arlington News on February 10, 1955 and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Philibert Pellegrini, Chairman
Clifford E. Lansil, Secretary
Robert W. Blaisdell

The Petitioner was represented by Michael A. Fredo, Attorney.

The property involved in this appeal is shown on Plot plan #42 as Lots 9 & B extending from Beacon Street to Palmer Street. The series of lots lettered A, B, C etc. are formed from a triangular strip which resulted from a relocation of Palmer Street. These lots, at the end near Warren Street, are of considerable size, lot B having an area of 2,269 sq. ft. However, it is too small to build upon. Lot 9 has an area of 7,621 sq. ft., and is larger than necessary for a house. It is proposed to subdivide lot 9 so that the back part, together with lot B, will comprise 5,507 sq. ft., while the residual of lot 9 will be 4,583 sq. ft. Thus, another lot will be created which will be large enough for practical utilization.

The proposal is quite in keeping with several others already submitted to the Board which pertain to lots in the blocks between Palmer Street and Beacon Street. The resulting lots would be as large as or larger than the average lots in the vicinity.

The Board believes that, in this case as in the others, the interests of all parties and the neighborhood will be best served by allowing the subdivision. Both lots will be conforming in width.

It is the unanimous decision of the Board to permit the subdivision as specified on the plan submitted with the Petition.

Philibert S Pellegrini
Chairman

Clifford E. Lansil

2/10/55 Notice published in the Arlington News
Notice sent to the following:

Thomas A. Dewire, 85 Warren St.
Thomas J. Green & Alice K. Sliney, 93 Warren St.
Rosalie Woodside, 97 Warren St.
Patrick F. Brennan, et ux, 86 Palmer St.
Thomas D. & Catherine M. Kenna, 90 Palmer St.
John J. Sullivan, 94 Palmer St.
Rosina M. Lionetta, 98 Palmer St.
John J. & Dorothy A. Downing, 102 Palmer St.
Ciriaco & Lizzzi Guanci, 16 Beacon St.
Cornelius J. Crowley, et al, 18 Beacon St.
Daniel Ahern, 213 Broadway (20 Beacon St.)
Antonio & Letitia Lionetto, 24 Beacon St.
Antoni & Carmine Guange, 28 Beacon St.
Eileen Welch, 11 Beacon St.
Joseph W. & Gladys R. Perry, 15 Beacon St.
Agnes G. Ahern, 17 Beacon St.
Michelangelo & Carmela Carella, 20 Sutherland Rd.(21 Beacon St.)
Rosario Carella, 25 Beacon St.
Wm. F. Carty, et ux, 29 Beacon St.
Mary A. Hennessy, 71 Warren St.
Adrienne H. Cunha, 75 Warren St.
Margaret B. Murphy, 77 Warren St.
Salvatore Caterino, 65 Palmer St. Owns 81 Palmer & 3 Beacon St.

TOWN OF ARLINGTON

In the Matter)
of the) No. 411
Petition of)
Carmine A. Lionetti and)
Anna A. Lionetti)

To the Zoning Board of Appeals for the Town of Arlington; Respectfully represents Carmine A. Lionetti and Anna A. Lionetti of Arlington ~~that they are~~ ^{they are} the owner of certain land in Arlington, located Palmer St. & Beacon Street; that they made application of the Inspector of Buildings for a permit or license with respect thereto, to wit: to divide and sell a portion of that lot on Beacon Street, known as number 12, to the prospective purchasers of lot directly in the rear of said Beacon Street and facing Palmer Street. Said subdivision would create two lots with less than the square foot area required by Section 14-B of the Zoning By-Law. ~~have~~ that they ~~not~~ have been aggrieved by the refusal of the Inspector of Buildings to issue the permit or license on the grounds of noncompliance with the Zoning By-Law; that no unfavorable action has been taken by the Zoning Board of Appeals or its predecessors upon a similar appeal regarding this property within the two (2) years next immediately prior to the filing hereof.

Wherefore appeal is claimed from the decision of the Inspector of Buildings in accordance with the provisions of Section 4, Paragraph 3 of the Zoning By-Law for the Town of Arlington and as grounds therefor, your appellant states as follows: It is respectfully called to your attention the fact that on said Palmer Street there are at least three lots upon which buildings have been recently erected with a square foot area of the same or less area than the present lot on Palmer Street. The owners will sell a portion of the rear of their lot so as to increase the area of the Palmer Street lot.

Signed _____

Arlington, Massachusetts

Address _____

TOWN OF ARLINGTON
ZONING BOARD OF APPEALS

Notice of Decision

March 11, 1955

In accordance with the provisions of Section 4 of the Zoning By-Law, you are here-with notified that, after the hearing held February 21, 1955 in the matter of the Petition of Carmine A. & Anna A. Lionetti, the Zoning Board of Appeals has reached its decision.

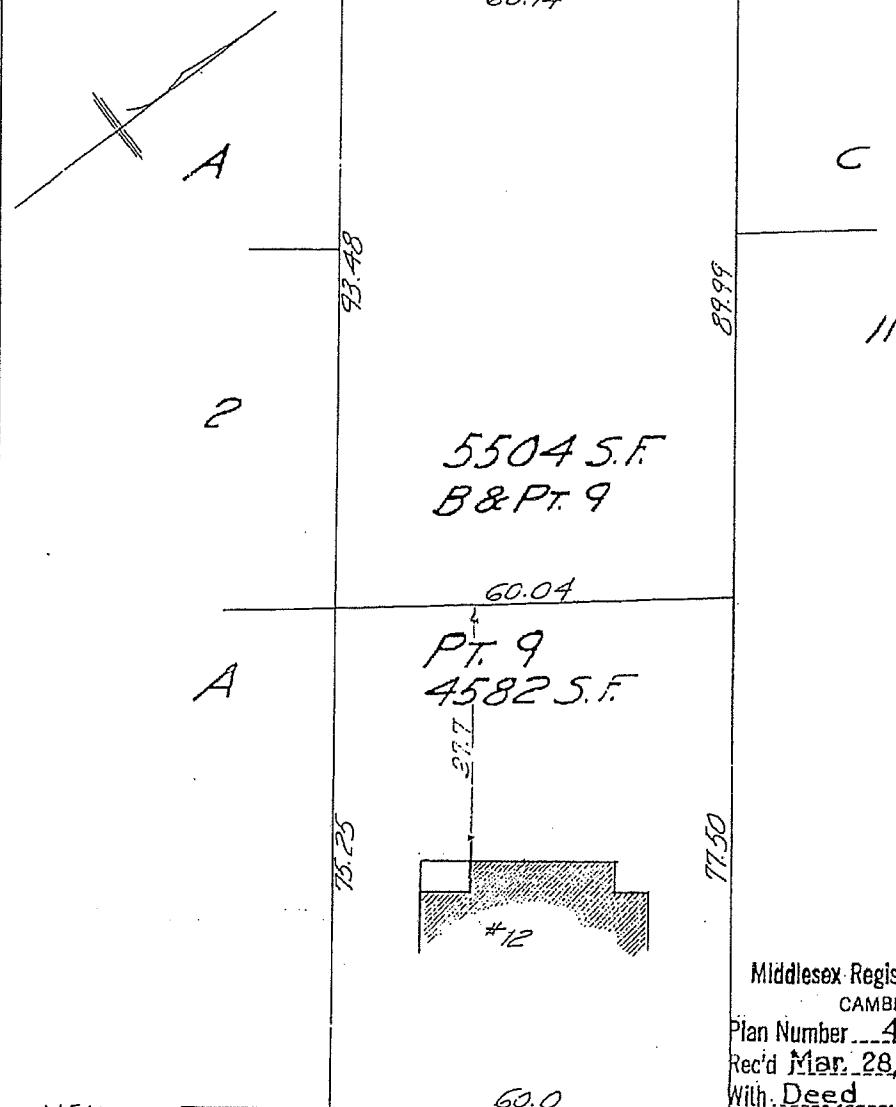
It is the unanimous decision of the Board to allow the Petition.

ZONING BOARD OF APPEALS
Clifford E. Lansil
Secretary

PALMER ST.

92.87 to P.C. Warren

60.17



BEACON ST. Myron Sherman

Recorded, Book 8435 Page 466

Attest: William B. Bailey REGISTER

SUB-DIVISION OF LAND
IN

ARLINGTON ~ MASS.

Scale 1"-20' Mar 1955

Jos. J. Sullivan C.E.

This sub-division approved by
Zoning Board of Appeals Mar. 11, 1955

Plan Number 490 of 1955

Recorded, Book 8435 Page 466



490

to wit: to subdivide two lots. said subdivision would create two lots with less than the square foot area required by section 14-B of the Zoning By Law.

Beacon st.

3 4

Lorenzetti

14516 ✓

11 ✓

15 ✓

135

24

17 L

24 ✓

21 ✓

Palmier st.

84986 ✓

88 5 90 ✓

92 & 94 ✓

965 98 ✓

10051 102 ✓

WARREN ST

69-71 ✓

75 ✓

37 ✓

87

85-96 ✓

93 ✓

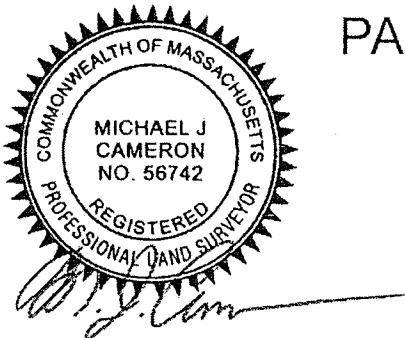
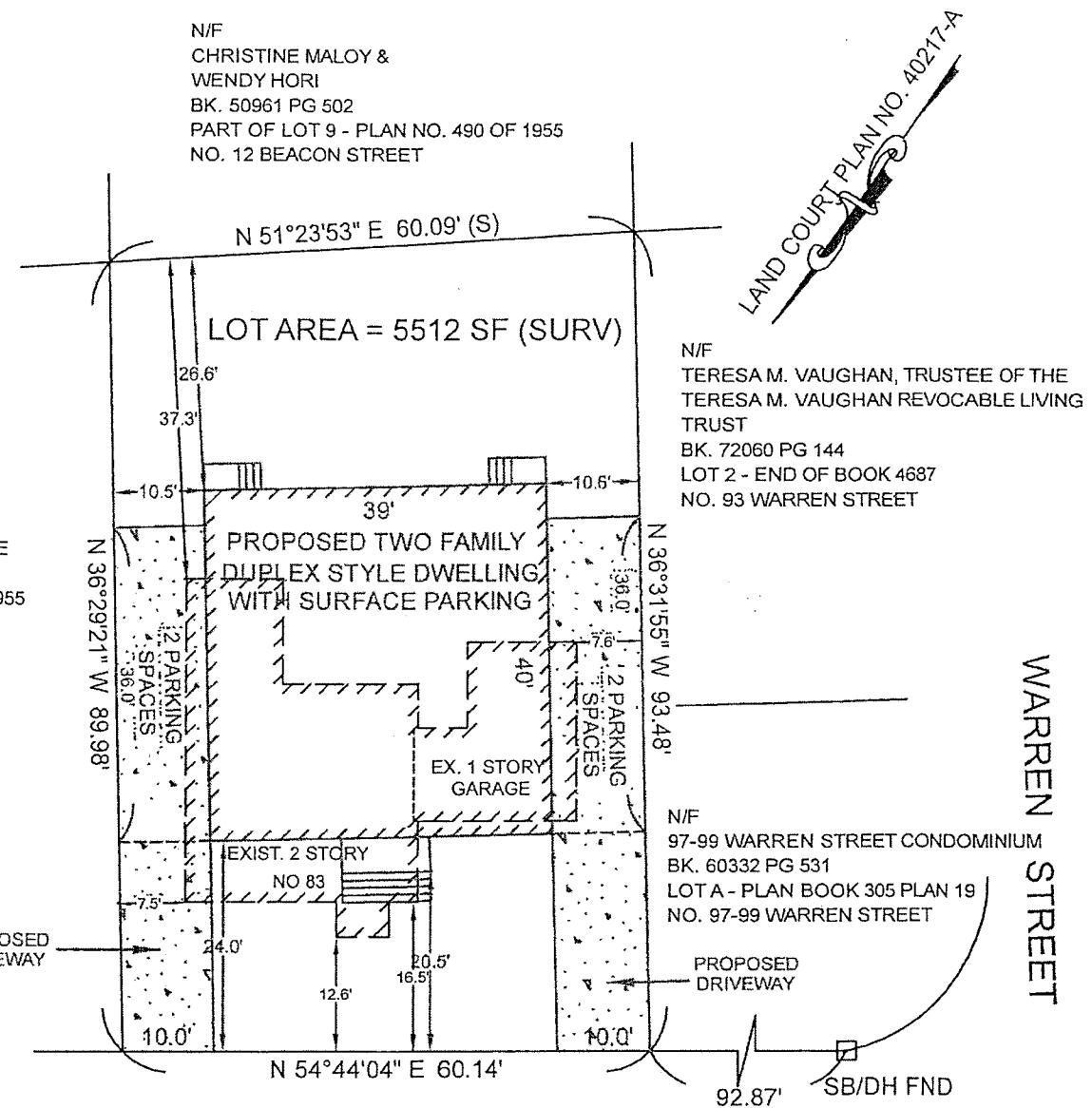
49 - 99 ✓

Block Plan

42

N/F
CHRISTINE MALOY &
WENDY HORI
BK. 50961 PG 502
PART OF LOT 9 - PLAN NO. 490 OF 1955
NO. 12 BEACON STREET

N/F
WILLIAM F. AND RUTH BLAKE
BK. 13321 PG 535
LOTA - PLAN NO. 1542 OF 1955
NO. 87-89 PALMER STREET



PALMER (PUBLIC - 40.00' WIDE) STREET

PLOT PLAN
IN
ARLINGTON, MA
83 PALMER STREET

NOTES:

- 1.) This plan was prepared from an instrument survey
 - 2.) Record owners: Masoud & Deborah A. Ghofrani
 - 3.) Deed Reference: Book 24538 Page 152
 - 4.) Plan Reference: Plan No. 490 of 1955
 - 4.) Zoning District: R2

A scale bar at the top shows distances from 0 to 40 feet. Below it is a checkered pattern. The text "SCALE: 1" - 20'-0"" is centered above the date. The date "SEPTEMBER 21, 2021" is prominently displayed. Below the date, the text "D & A SURVEY ASSOCIATES, INC." and "P.O. BOX 621 MEDFORD, MA 02155" is listed. At the bottom right, it says "(781) 324 - 9566" and "18 of 132".

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For application to The Zoning Board of Appeals

1. Property Location: 83 Palmer Street, Arlington, Massachusetts 02474
 Zoning District: R2
2. Present Use/Occupancy: One No. of dwelling units (if residential) _____
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): _____
4. Proposed Use/Occupancy: two residential dwellings No. of dwelling units (if residential) 2
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): 4664 sf

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (sq. ft.)	5,512 sq ft	5,512 sq ft	min. 6,000 sq ft
7. Frontage (ft.)	60.14	60.14	min. 60 ft
8. Floor area ratio	N/A	N/A	max.
9. Lot Coverage (%)	21.4%	29.2%	max 35%
10. Lot Area per Dwelling Unit (Sq. ft.)	N/A	N/A	min.
11. Front Yard Depth (ft.)	16.5 ft	20.5 ft	min. 20 ft
12. Left Side Yard Depth (ft.)	7.5 ft	10.5 ft	min. 10 ft
13. Right Side Yard Depth (ft.)	7.6 ft	10.6 ft	min. 10 ft
14. Rear Side Yard Depth (ft.)	37.3 ft	26.6 ft	min. 18.34 ft
15. Height (stories)	2.5	2.5	max. 2.5
16. Height (ft.)	26.1 ft	34.5 ft	max. 35.0 ft.
17. Landscaped Open Space (% of GFA) Sq. ft. _____	3549/2150 = 165%	2265/4664 = 48.5%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. _____	2238/2150 = 104%	1464/4664 = 31.4%	min. 30%
19. Parking Spaces (number)	2	4	min. 2 (req) 4 (prop)
20. Parking area setbacks	N/A	N/A	min.
21. Loading Spaces (if applicable)	N/A	N/A	min. n/a
22. Type of construction	Wood	Wood	Wood

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address: 83 Palmer Street, Arlington, MA

Zoning District: R2

<u>OPEN SPACE</u>	EXISTING	PROPOSED
Total lot area	5,512 sq ft	5,512 sq ft
Open Space (Usable)*	2238 sq ft	1464 sq ft
Open Space (Landscaped)	3549 sq ft	2265 sq ft

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if: 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

<u>GROSS FLOOR AREA (GFA)</u>		
Accessory building	N/A	N/A
Basement or cellar (>5' excluding mechanical area)	592 sq ft	780 sq ft
1 st Floor	870 sq ft	1,560 sq ft
2 nd Floor	662 sq ft	1,560 sq ft
3 rd Floor	N/A	764 sf
4 th Floor	N/A	N/A
5 th Floor	N/A	N/A
Attic (>7'3" in height, excluding elevator, mechanical)	0	0
Parking garages (except as used for accessory Parking garages or off street loading purposes)	0	0
All weather habitable porches and balconies	26 sq ft	0
Total Gross Floor Area (GFA)	2,150 sq ft	4,664 sq ft

REQUIRED MINIMUM OPEN SPACE AREA

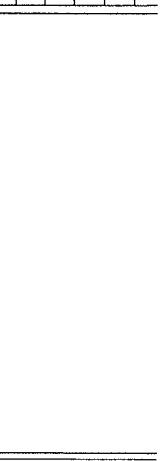
Proposed Usable Open Space Percent of GFA 39.7%

Proposed Landscaped Open Space Percent of GFA 79.1%

This worksheet applies to plans dated 9/21/21 designed by Plot Plan by D & A Survey Associates, Inc

Reviewed by Inspectional Services _____ Date: _____

Type:	05 - Garrison	Full Bath:	1	Rating:	Good
Sty Ht:	2 - 2 Story	A Bath:	1	Rating:	Good
Wk Units:	1	Total:	1	Rating:	
Indation:	1 - Concrete	A 3QBth:		Rating:	
Frame:	1 - Wood	1/2Bath:		Rating:	
me Wall:	4 - Vinyl	A HBth:		Rating:	
ec Wall:		OffFix:	%	Rating:	
Struct:	1 - Gable				
fr Cover:	1 - Asphalt Shgl				
Color:	GREY				
v/Desir:					



OTHER FEATURES	
Kits:	1 Rating: Average
A Kits:	Rating:
Fpl:	Rating: Average
WSFlue:	Rating:
V-1:	
W-2:	

RESIDENTIAL GRID

1st Res Grid	Desc:	Line	1	# Units:	1
Level:	FY LR DR D-K FFR IR BR FB HB L O				

CONDOS INFORMATION

No Unit	RMS	BRS	FL
1	7	3	M

DEPRECIATION

Phys Cond:	AG - Avg-Good	26 %
Functional:		%
Economic:		%
Special:		%

Override:

%

Heating:

%

General:

%

Total:

26.4

%

1

7

3

M

SUB AREA

COMPARABLE SALES

Code	Description	Area: SQ	Rate: AV	Undep Value
FFL	First Floor	756	181,990	137,358
SFL	Second Floor	650	181,990	118,999
BMT	Basement	624	54,510	34,012
GAR	Garage	273	24,980	6,575
WDK	Deck	94	15,950	1,499
EFP	Enclos. Porch	86	58,700	5,048
ENT	ENTRY	30	26,320	790

SUB AREA DETAIL

Sub Area	% Usbl	Descrip	% Type	OU #
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

SUB AREA DETAIL

Code	Description	Area: SQ	Rate: AV	Undep Value
FFL	First Floor	756	181,990	137,358
SFL	Second Floor	650	181,990	118,999
BMT	Basement	624	54,510	34,012
GAR	Garage	273	24,980	6,575
WDK	Deck	94	15,950	1,499
EFP	Enclos. Porch	86	58,700	5,048
ENT	ENTRY	30	26,320	790

SUB AREA DETAIL

Code	Description	Area: SQ	Rate: AV	Undep Value
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

SUB AREA DETAIL

Code	Description	Area: SQ	Rate: AV	Undep Value
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

SUB AREA DETAIL

Code	Description	Area: SQ	Rate: AV	Undep Value
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

SUB AREA DETAIL

Code	Description	Area: SQ	Rate: AV	Undep Value
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

SUB AREA DETAIL

Code	Description	Area: SQ	Rate: AV	Undep Value
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

SUB AREA DETAIL

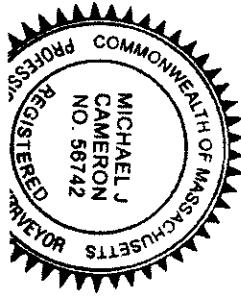
Code	Description	Area: SQ	Rate: AV	Undep Value
(19)	14	SFL	3	
19	14	SFL	3	
SFL	14	EFP	4	
(4)	4	SFL	3	

IMAGE

AssessPro Patriot Properties, Inc

C FEATURES/YARD ITEMS

Category	Description	Qty	Size/Dim	Qual	Con	Year	Unit Price	DIS Dep	LUC	Fact	NB Tax	Appr Value	JGd/JFct	Jups. Value
Frame-Shed	D Y	1	8x7	A	AV	2008	0.00	T	8.8	101				

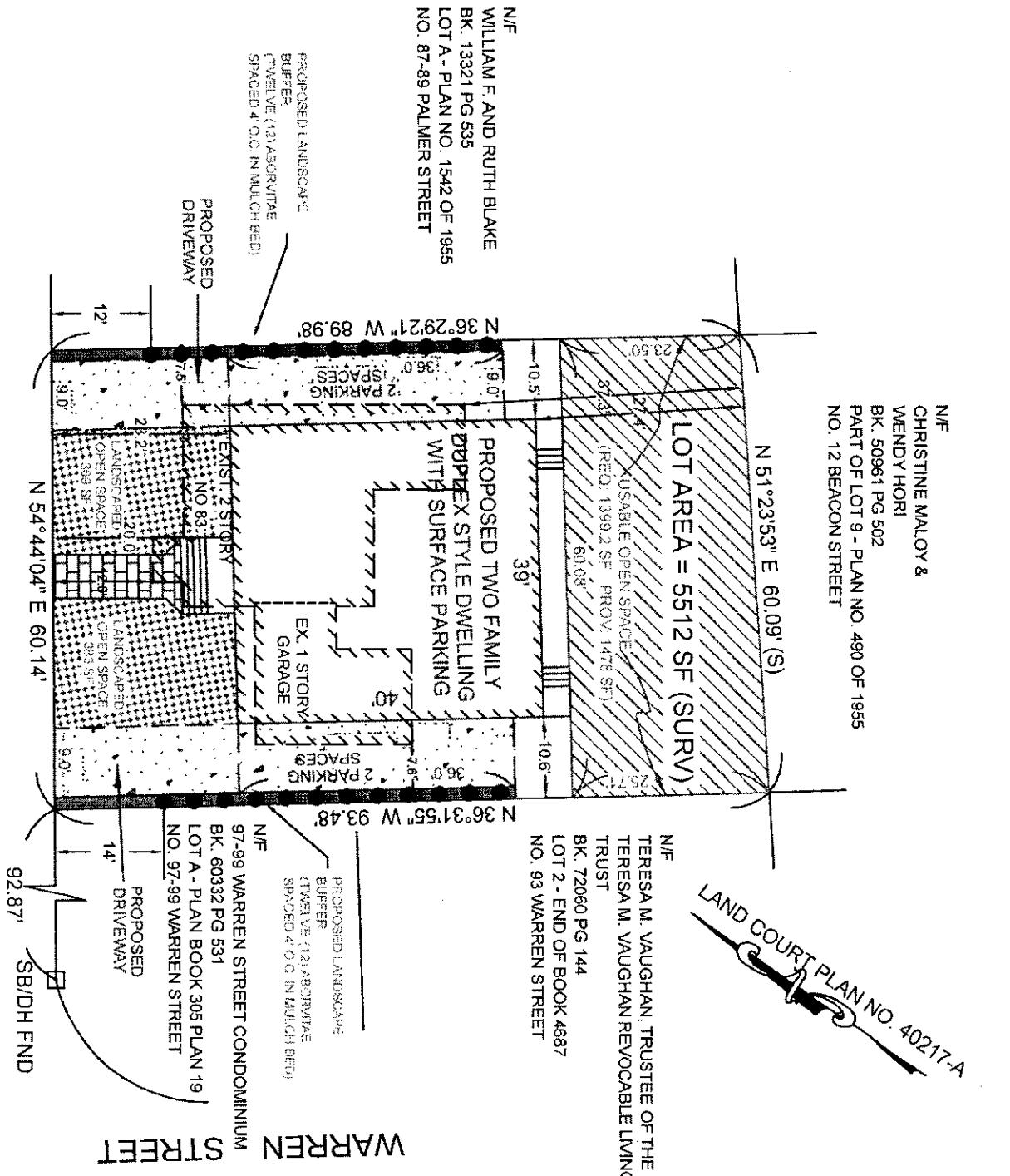


PALMER (PUBLIC - 40.00' WIDE) **STREET**

(PUBLIC - 40.00' WDD)

STREET

PLOT PLAN AND LANDSCAPE PLAN



TOWN OF ARLINGTON
 Dimensional and Parking Information
 For application to The Zoning Board of Appeals

1. Property Location: 83 Palmer Street, Arlington, Massachusetts 02474
 Zoning District: R2
2. Present Use/Occupancy: One No. of dwelling units (if residential) _____
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): _____
4. Proposed Use/Occupancy: two residential dwellings No. of dwelling units (if residential) 2
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): 4664 sf

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (sq. ft.)	5,512 sq ft	5,512 sq ft	min. 6,000 sq ft
7. Frontage (ft.)	60.14	60.14	min. 60 ft
8. Floor area ratio	N/A	N/A	max.
9. Lot Coverage (%)	21.4%	28.9%	max 35%
10. Lot Area per Dwelling Unit (Sq. ft.)	N/A	N/A	min.
11. Front Yard Depth (ft.)	16.5 ft	20.0 ft	min. 20 ft
12. Left Side Yard Depth (ft.)	7.5 ft	10.5 ft	min. 10 ft
13. Right Side Yard Depth (ft.)	7.6 ft	10.6 ft	min. 10 ft
14. Rear Side Yard Depth (ft.)	37.3 ft	27.4 ft	min. 18.34 ft
15. Height (stories)	2.5	2.5	max. 2.5
16. Height (ft.)	26.1 ft	34.5 ft	max. 35.0 ft.
17. Landscaped Open Space (% of GFA) Sq. ft. _____	3549/2150 = 165%	2230/4664 = 47.8%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. _____	2238/2150 = 104%	1478/4664 = 31.7%	min. 30%
19. Parking Spaces (number)	2	4	min. 2 (req) 4 (prop)
20. Parking area setbacks	N/A	N/A	min.
21. Loading Spaces (if applicable)	N/A	N/A	min. n/a
22. Type of construction	Wood	Wood	Wood

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address: 83 Palmer Street, Arlington, MA

Zoning District: R2

OPEN SPACE	EXISTING	PROPOSED
Total lot area	5,512 sq ft	5,512 sq ft
Open Space (Usable)*	2238 sq ft	1478 sq ft
Open Space (Landscaped)	3549 sq ft	2230 sq ft

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if: 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

GROSS FLOOR AREA (GFA)		
Accessory building	N/A	N/A
Basement or cellar (>5' excluding mechanical area)	592 sq ft	780 sq ft
1 st Floor	870 sq ft	1,560 sq ft
2 nd Floor	662 sq ft	1,560 sq ft
3 rd Floor	N/A	764 sf
4 th Floor	N/A	N/A
5 th Floor	N/A	N/A
Attic (>7'3" in height, excluding elevator, mechanical)	0	0
Parking garages (except as used for accessory Parking garages or off street loading purposes)	0	0
All weather habitable porches and balconies	26 sq ft	0
Total Gross Floor Area (GFA)	2,150 sq ft	4,664 sq ft

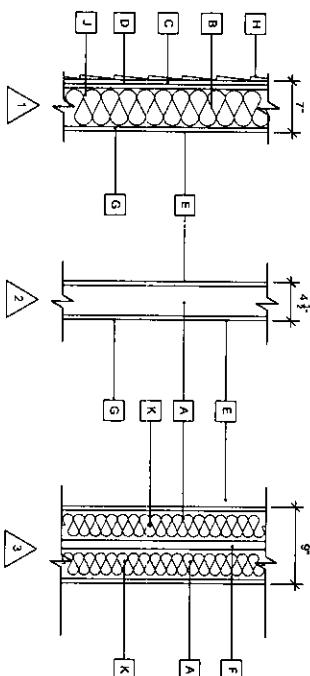
REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA 31.7%

Proposed Landscaped Open Space Percent of GFA 47.8%

This worksheet applies to plans dated 11/2/21 designed by Plot Plan by D & A Survey Associates, Inc

Reviewed by Inspectional Services _____ Date: _____



WALL TYPES LEGEND

NOT TO SCALE

DOOR AND WINDOW SCHEDULE

- (A) NEW 7'-0" x 6'-4" x 3/4" THERMA-TRU STEEL ENTRY DOOR #PS-285 WITH ENTRANCE LOCKSET
- (B) NEW 3'-0" x 6'-8" x 3/4" THERMA-TRU STEEL ENTRY DOOR KCS-128 LE WITH ENTRANCE LOCKSET
- (C) NEW 3'-0" x 6'-6" x 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE CLOSET LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (D) NEW 2'-8" x 6'-6" x 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE BEDROOM LOCKSET AT BEDROOMS/PASSAGE LOCKSET AT CELLAR DOOR, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (E) NEW 2'-6" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE BATHROOM LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (F) NEW 2'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (G) NEW 4'-0" x 6'-6" x 3/8" SOLID CORE WOOD, INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (H) NEW 6'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (J) NEW 2'-6" x 4'-9" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW WITH HALF SCREEN, THIS WINDOW CONFORMS WITH 2015 IRC SECTION R310.2 (SEE MASSACHUSETTS AMENDMENT SECTION R310.21 - EXCEPTION 2)
- (L) NEW 2'-2 1/2" x 4'-9" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2446, SILL HEIGHT @ 28" A.F. LOWE GLASS, ARGON FILLED, WHITE, 6/6, R310.2 (SEE MASSACHUSETTS AMENDMENT SECTION R310.21 - EXCEPTION 2)
- (M) NEW 2'-6" x 3'-5" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2446, SILL HEIGHT @ 24" A.F. LOWE GLASS, ARGON FILLED, WHITE, 6/6, WITH HALF SCREEN, SAFETY GLAZING AT ATTIC BATHROOM WINDOW.
- (N) NEW 4'-1" x 1'-2" TRUSTGARD INSULATED TRANSOM VINYL WINDOW #4010TR FIELD COORDINATE EXACT LOCATION, WHITE.
- (P) NEW BULCO SIZE 'C' CLASSIC SERIES STEEL BASEMENT DOOR, 35" x 77" WITH 24" EXTENSION, FINISH PER OWNERS DIRECTION.

GENERAL NOTES

BOTH SIDES OF THIS STRUCTURE ARE TO BE SIMILAR. ALL DIMENSIONS, WALL TYPES, AND NOTES SHOWN ON ONE SIDE ALSO APPLY TO THE OTHER.

CONTRACTOR IS TO REMOVE ALL DEMOLITION AND CONSTRUCTION DEBRIS FROM THE SITE.

ALL FINISHES, (PAINTS, TRIMS, FLOORING, CABINETRY, BUILDINGS, KITCHEN EQUIPMENT), AND PLUMBING FIXTURES ARE TO BE DETERMINED BY THE OWNER.

G.C. IS RESPONSIBLE FOR ALL PLUMBING, ELECTRICAL, HVAC WORK, AND VENTILATION TO CODE.

FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF ANY WORK.

ALL WORK TO CONFORM TO ALL STATE CODES AND LOCAL ZONING ORDINANCES

LIFE SAFETY LEGEND

- [Eq] CARBON MONOXIDE ALARM
- [S] PHOTOELECTRIC SMOKE DETECTOR

CELLAR FLOOR PLAN

SCALE: 1/4" = 1'-0"



38'-0"

12'-0"

8'-0"

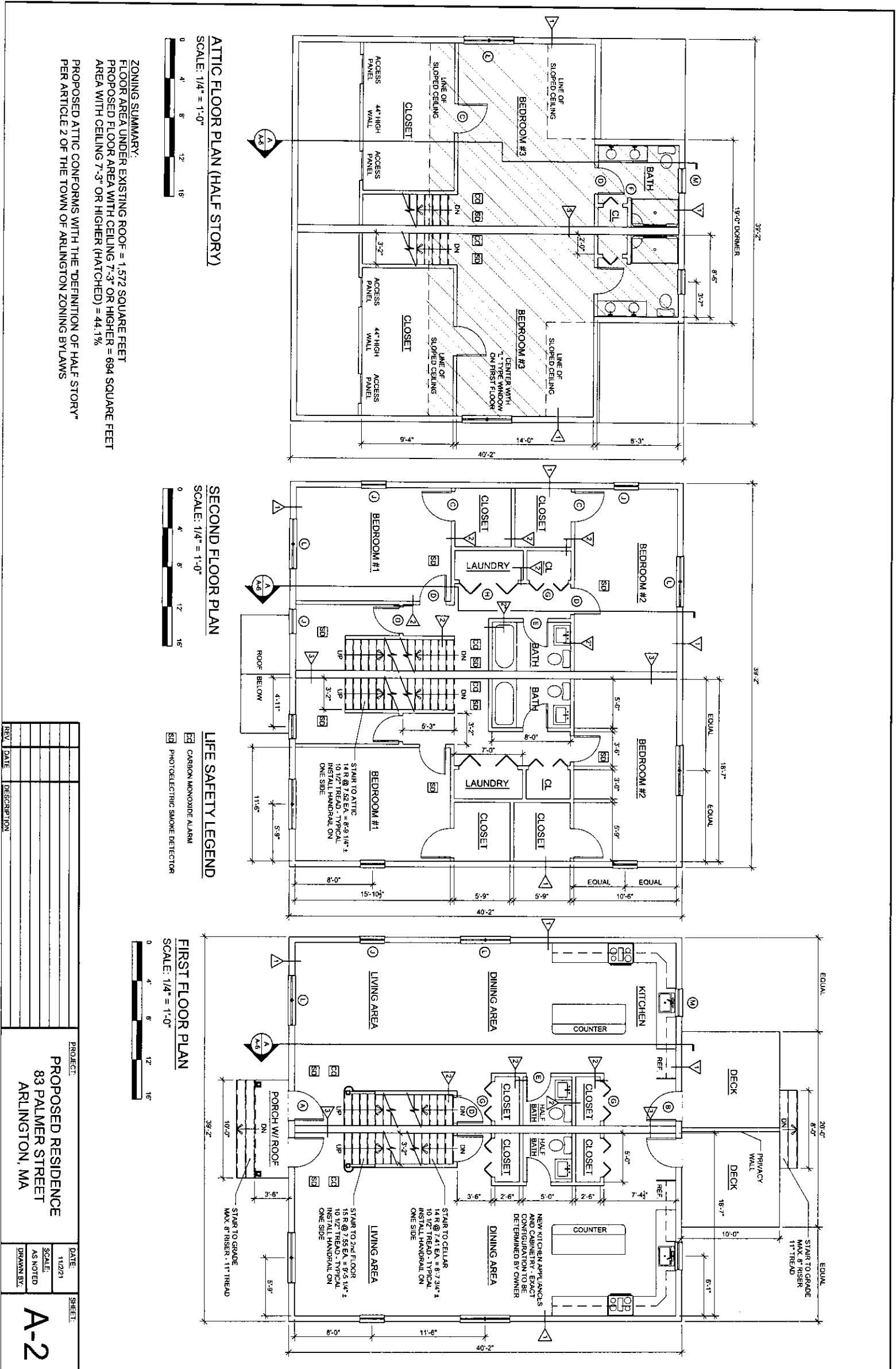
4'-0"

0'

UP

- [A] 2" x 4" WOOD STUDS @ 16" O.C.
- [B] 2" x 6" WOOD STUDS @ 16" O.C.
- [C] AIR AND WATER BARRIER MEMBRANE
- [D] 1/2" EXTERIOR GRADE PLYWOOD
- [E] 1/2" BLUE BOARD AND SKIM COAT
- [F] 1/8" GYPSUM SHAFTWALL
- [G] 1/8" M.R. BOARD AT BATHROOM
- [H] NEW VINYL SIDING - COLOR AND STYLE TO BE DETERMINED BY OWNER AS REQUIRED
- [I] CERTIFIED BLOWN-IN BLANKET FIBERGLAS INSULATION - R-23 IN 2" x 6" GAVITY
- [J] FULL DEPTH MINERAL WOOL INSULATION

REV.	DATE	DESCRIPTION
		PROPOSED RESIDENCE
		83 PALMER STREET
		ARLINGTON, MA
		DATE: 11/21/21 SHEET: A-1
		SCALE: AS NOTED DRAWN BY:

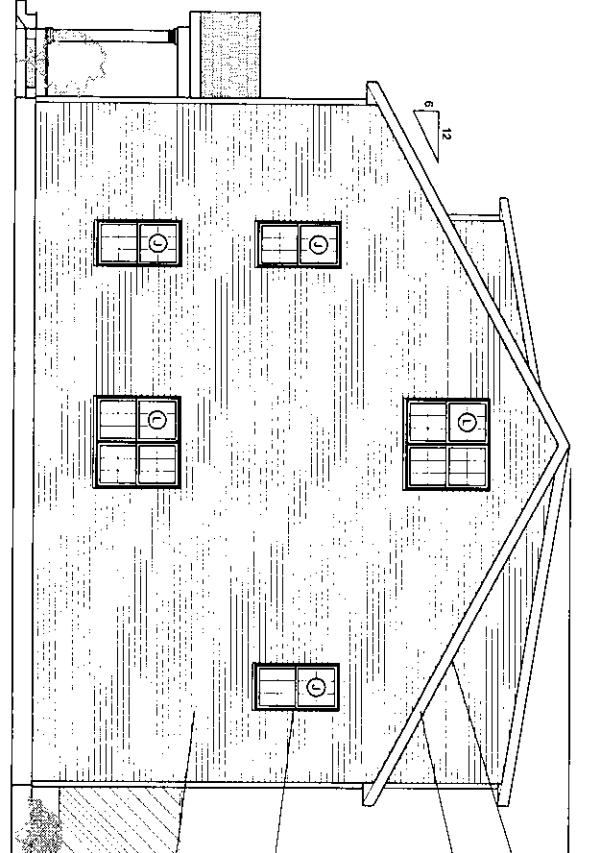


SCHEMATIC LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



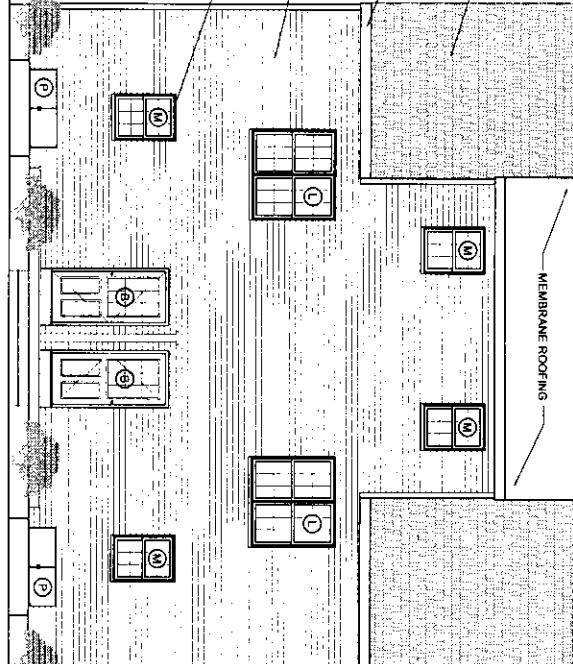
SCALE: 1/4" = 1'-0"



FIRST FLOOR

SCHEMATIC REAR ELEVATION

SCALE: 1/4" = 1'-0"

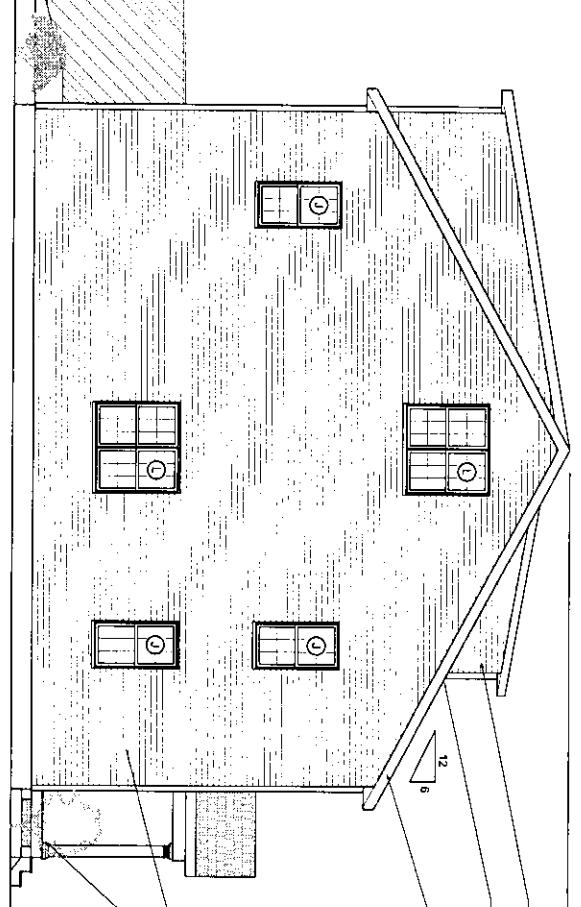


FIRST FLOOR

SECOND FLOOR

SCHEMATIC FRONT ELEVATION

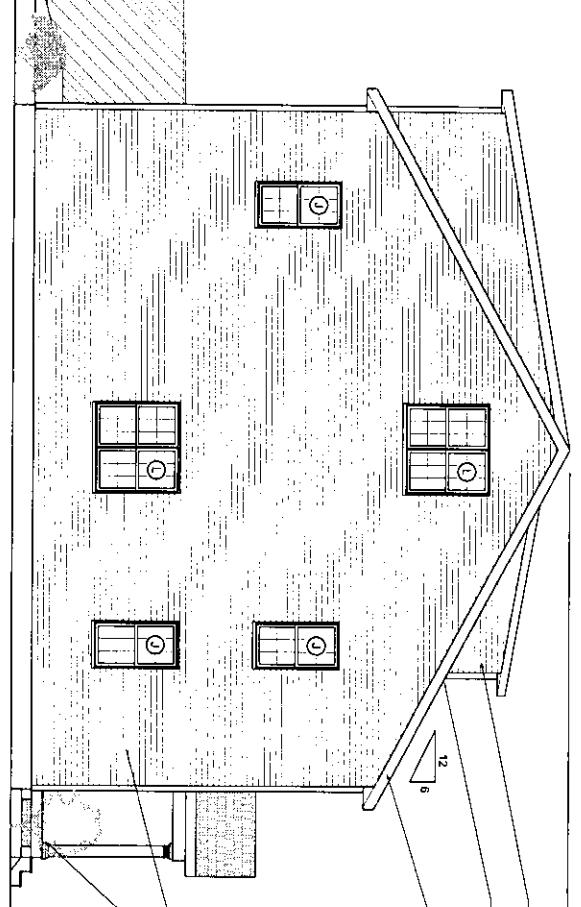
SCALE: 1/4" = 1'-0"



FIRST FLOOR

SECOND FLOOR

FINISHED GRADE



FIRST FLOOR

SECOND FLOOR

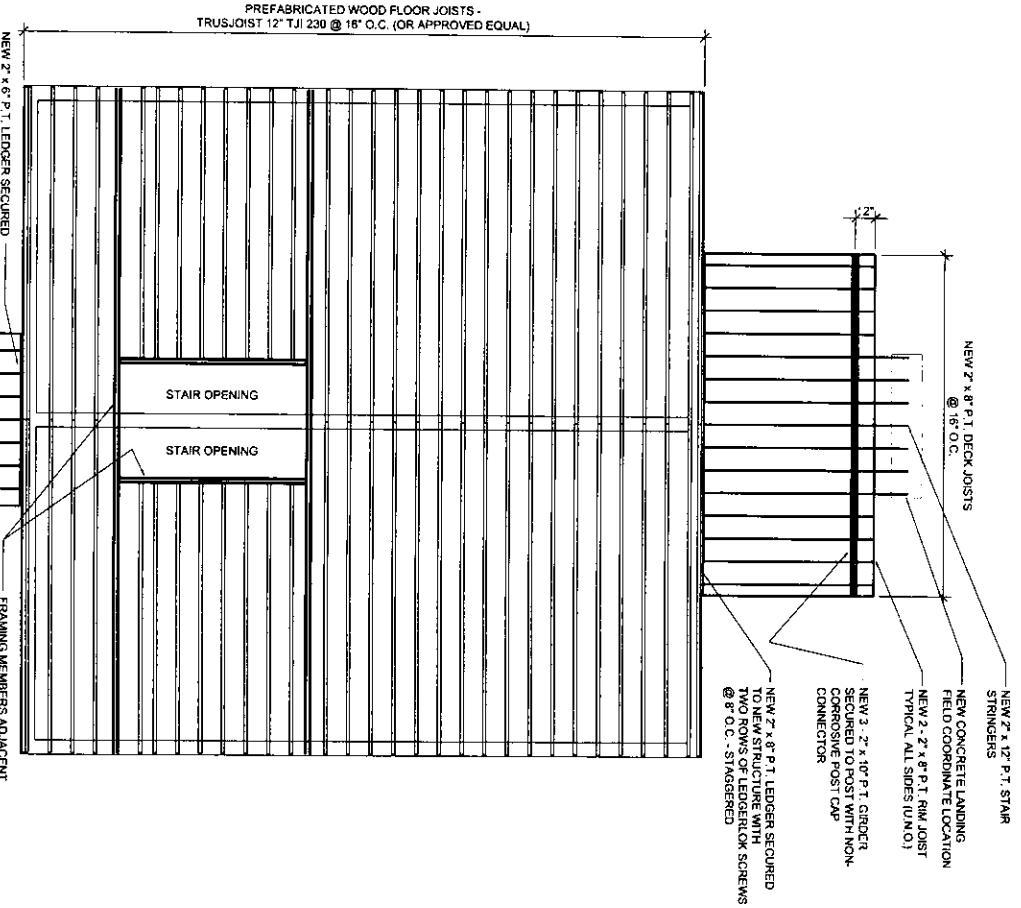
FINISHED GRADE

ROOF RIDGE
33-1/2° ABOVE AVERAGE GRADE
NON-ACCESSIBLE SHED DORMER
ARCHITECTURAL ASPHALT
ROOF SHINGLES COLOR TO
BE DETERMINED BY THE OWNER
WOOD RAKE BOARD
WOOD FASCIA

VINYL SIDING - COLOR AND STYLE
TO BE DETERMINED BY THE OWNER
WINDOW / DOOR TRIM STYLE
TO BE DETERMINED BY THE OWNER
PORCH FINISH MATERIALS
TO BE DETERMINED BY THE OWNER

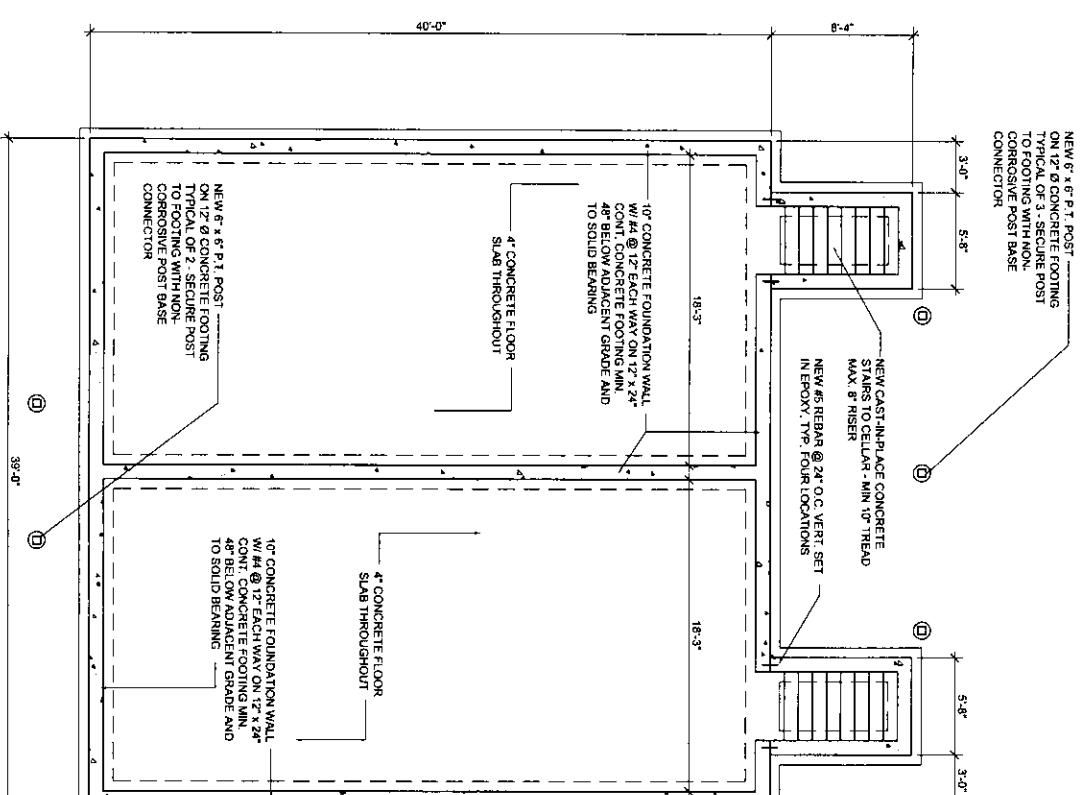
ROOF RIDGE
33-1/2° ABOVE AVERAGE GRADE
ARCHITECTURAL ASPHALT
ROOF SHINGLES COLOR TO
BE DETERMINED BY THE OWNER
WOOD RAKE BOARD
WOOD FASCIA
ATTIC (HALF STORY) FLOOR
ATTIC (HALF STORY) FLOOR
VINYL SIDING - COLOR AND STYLE
TO BE DETERMINED BY THE OWNER
WINDOW / DOOR TRIM STYLE
TO BE DETERMINED BY THE OWNER
DECK FINISH MATERIALS
TO BE DETERMINED BY THE OWNER

PROJECT:	DATE:	SHEET:
PROPOSED RESIDENCE	11/21/21	A-3
83 PALMER STREET	SCALE:	
ARLINGTON, MA	AS NOTED	
REV. DATE	DRAWN BY	
DESCRIPTION		

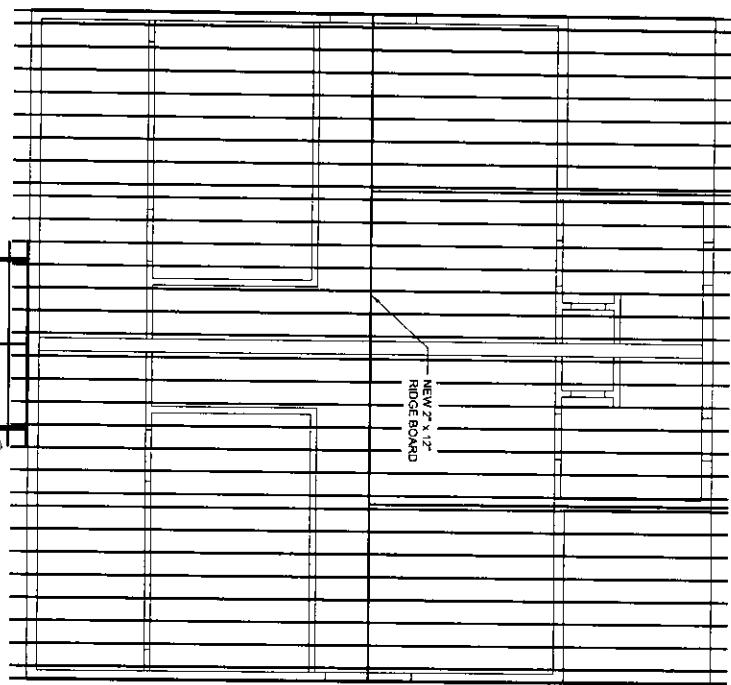


SCHEMATIC FIRST FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



NEW 2" X 12" ROOF RAFTERS @ 16" O.C.
(SPRUCE/PINE/FIR SS OR APPROVED EQUAL)

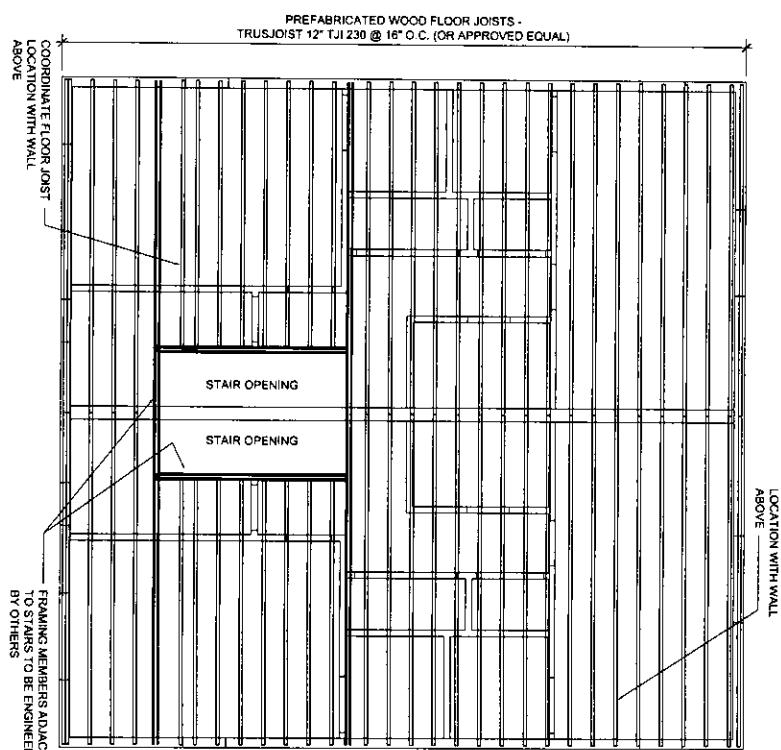


SCHEMATIC ROOF FRAMING PLAN

SCALE: 1/4" = 1'-0"



PREFABRICATED WOOD FLOOR JOISTS -
TRUSJOIST 12" TJI 230 @ 16" O.C. (OR APPROVED EQUAL)

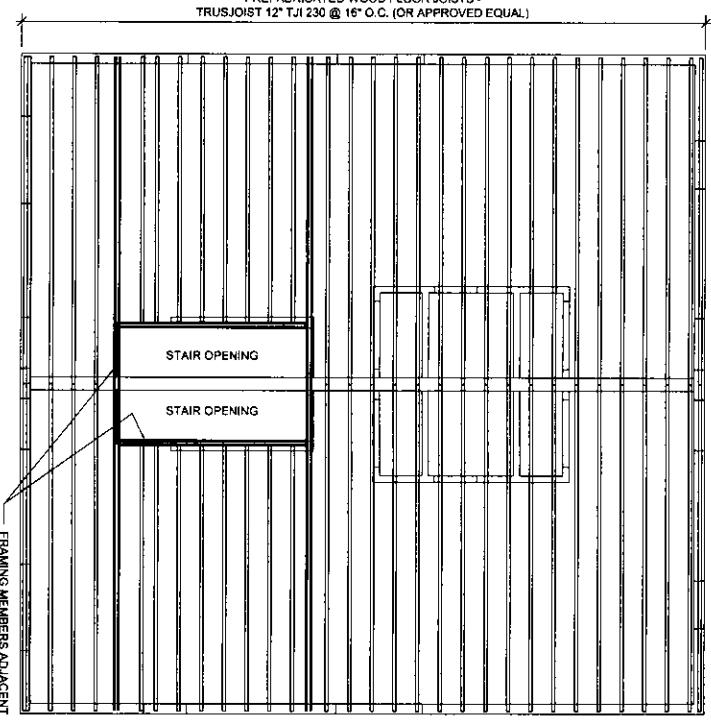


SCHEMATIC ATTIC (HALF STORY) FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



PREFABRICATED WOOD FLOOR JOISTS -
TRUSJOIST 12" TJI 230 @ 16" O.C. (OR APPROVED EQUAL)

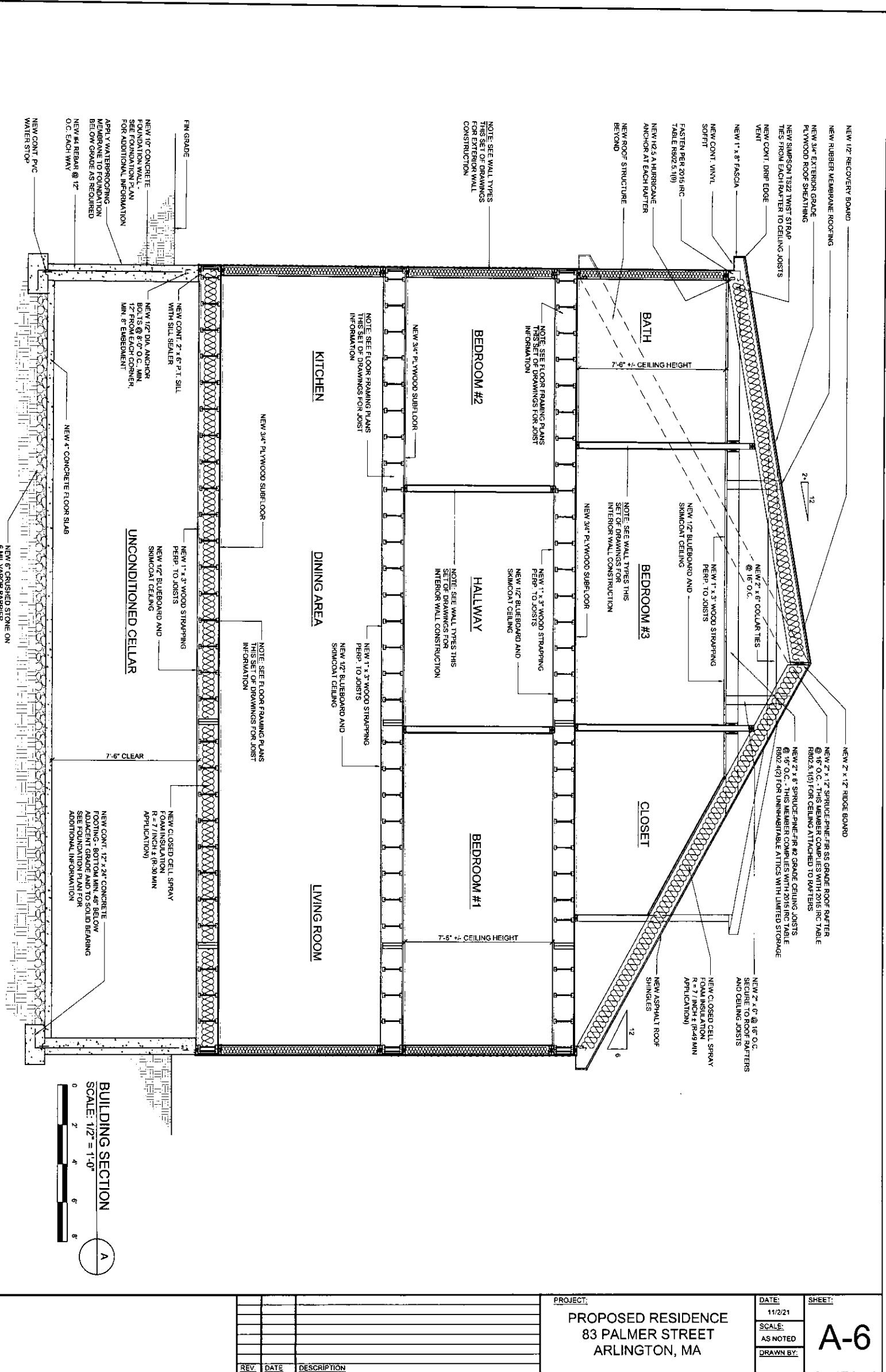


SCHEMATIC SECOND FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



PROJECT	DATE	SHEET
PROPOSED RESIDENCE 83 PALMER STREET ARLINGTON, MA	11/2/21	A-5
REV. DATE		
DESCRIPTION		



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

ZONING BOARD OF APPEALS

ARLINGTON, MASSACHUSETTS

In the matter of)
)
)
83 Palmer Street) Docket Number:
Arlington, Massachusetts)
)
Matthew Ghofrani and Deborah A.)
Ghofrani, Applicants)

ZONING MEMORANDUM OF FACT AND LAW
IN SUPPORT OF
REQUEST FOR SPECIAL PERMIT

Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, MA 02476
(781) 646-4911
law@robertannese.com

STATEMENT OF FACTS

Applicants seek a determination from the Zoning Board of Appeals as to whether a Zoning Board of Appeals' Decision dated March 11, 1955, (Exhibit A), which allowed a subdivision combining a lot containing 7,821 square feet with a lot containing 2,269 square feet resulting in two separate lots, one containing 5,507 square feet and the other containing 4,583 square feet with the lot containing 5,507 square feet being deemed a two-family residential lot. (Exhibit A).

The real estate is and was at the time of the Zoning Decision located in an R2 Zone as defined within the Zoning Bylaw and by way of a Special Permit the Applicants are requesting that the Members of the Zoning Board rule that the March 11, 1955 Zoning Decision resulted in the lot containing 5,507 square feet becoming a two-family lot (Lot B) as the property was located in an R2 Zone and was vacant at the time of the Decision.

To quote from the Zoning Decision of March 11, 1955: "**The property involved in this appeal is shown on Plot plan #42 as Lots 9 & B extending from Beacon Street to Palmer Street. The series of lots lettered A, B C. etc. are formed from a triangular strip which resulted from a relocation of Palmer Street. These lots, at the end near Warren Street, are of considerable size, lot B having an area of 2,269 sq. ft. However, it is too small to build upon. Lot 9 has an area of 7,821 sq. ft. and is larger than necessary for a house. It is proposed to subdivide lot 9 so that the back part, together with lot B, will comprise 5,507 sq. ft., while the residual of lot 9 will be 4,583 sq. ft. Thus, another lot will be created which will be large enough for practical utilization.**"

"The proposal is quite in keeping with several others already submitted to the Board which pertain to lots in the block between Palmer Street and Beacon Street. The resulting lots would be as large or larger than the average lots in the vicinity."

At the time of Zoning Decision, the newly created lot containing 4,582 square feet had an existing building on it while the newly created lot B containing 5,507 square feet did not.

It is clear that at the time of the Zoning Decision the zone in which the two lots were located was an R2 zone.

At the time of the Zoning Decision the Decision simply granted relief with respect to the subdivision without indicating whether lot B, the vacant lot, could have a two-family or single-family house built on it, once again, in a neighborhood even then containing mostly two-family homes.

A single-family home presently exists on Lot B, and it was constructed sometime after the 1955 Zoning Decision.

The Applicants have submitted a plot plan and landscape plan of Michael J. Cameron, a Registered Land Surveyor, which shows the location of the existing building and the location of the proposed two-family duplex style dwelling with surface parking to be located on the lot. (Exhibit B).

The plot plan has the lot area for the subject lot as 5,512 square feet which is a slight difference from the square feet indicated in the 1955 Zoning Decision.

The plot plan also shows the proposed useable open space area for the construction with the open space calculations.

The Applicants have also submitted plans from their architect, Michael Aveni depicting the proposed residence to be constructed on the lot. (Exhibit C).

The proposed residential dwelling would be a duplex and the front yard setback would be 20 feet while the previous front yard setback was 16.5 feet.

The left-side yard setback currently is 7.5 feet and would be 10.5 feet and the right-side yard setback which is 7.6 feet would be 10.6 feet.

The rear yard setback is currently 27.3 feet and would 27.4 feet and the height of the proposed dwelling would be the same as the prior dwelling height of 34.5 feet.

The landscaped open space would be significantly increased, and the useable open space would meet the requirements of the Zoning Bylaw at 31.7% while Zoning requires 30%.

There will be four (4) parking spaces while two (2) are required. (Exhibit D).

The gross floor area of the dwelling which is presently 2,150 square feet would increase to 4,664 square feet with construction of the duplex dwelling. (Exhibit E).

A portion of the Zoning Bylaw in effect on October 15, 1954 which would have been considered by the Members of the Zoning Board at the time they rendered their Decision with respect to the 1955 Zoning Decision, defined a duplex house as follows:

“Duplex House - Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.” (Exhibit F).

That definition has not changed significantly even in the current Bylaw (Zoning Bylaw amended as of April 26, 2021).

ARGUMENT OF FACT AND LAW

It is clear that the language contained in the 1955 Zoning Decision did not make specific findings of fact and conclusions law which would pass muster in today's interpretation of the provisions of Chapter 40A of the General Laws of the Commonwealth.

However, as can be seen from an examination of the documents submitted with respect to the present Application for Special Permit, the Applicants' plans comply with the Zoning Bylaw in every respect except that their lot does not contain 6,000 square feet.

Notwithstanding that fact, it is their position that when the 1955 Zoning Decision was decided the lot created i.e., Lot B, the present lot before this Zoning Board, was located in an R2 Zone and the Members of the Board were certainly aware of that fact.

In addition, most of the surrounding properties were R2 residential dwellings and not single-family dwellings.

In light of the absence of specific findings with respect to findings of fact and conclusions of law by the 1955 Zoning Board in its decision, it is now up to the present Zoning Board to determine the status of Lot B.

It is contended by the Applicants that if specific language had been contained in the Application for Zoning Relief in the application filed by the Applicants with regard to the 1955 Zoning case, that the then Zoning Board would likely have determined that in allowing the subdivision, Lot B was to be a two-family lot.

A reading of the last page of the Zoning Decision "**to wit: to subdivide two lots. Said subdivision would create two lots with less than the square foot area required by the Section 14-B of the Zoning Bylaw**" indicates that the members of the Zoning Board were well aware that each of the newly created lots would not comply with the zoning requirements for either a single-family or a two-family home.

It is the Applicants' position that if it was the collective intent on the part of the members of the Zoning Board to limit construction of the new building to be built on lot B to a single-family home, the Decision would have stated that as a condition of the grant of zoning relief which of course it did not.

It is also the position of the Applicants that it can reasonably be inferred that the collective intent of the members of the Zoning Board was that the grant of relief did not limit the newly created lot B to a single-family home, but rather allowed construction of a two-family home even though ultimately a two-family home was not constructed on the lot subsequent to the 1955 Zoning Decision.

The Zoning Decision did not state the statutory reasons for the grant of relief for either a Special Permit or a Variance, but it is also clear that the time for an appeal being filed in connection with the Zoning Decision has long passed as the time for raising any defects in a Notice of a Decision is limited to the 20-day appeal period set forth within the provisions of Chapter 40A. Cappuccio v. Zoning Board of Appeals of Spencer, 398 Mass. 304, 311, (1986).

However, if the present Board has difficulty in reaching the result proposed by the Applicants, then alternatively they suggest that the present Application for a duplex dwelling on the lot would not have an adverse impact upon other properties in the mainly R2 Zone, would increase the availability of residential dwellings by one more unit in the Town which would comport with the intent of the master plan and would be an attractive addition to the neighborhood in no way derogating from the intent and purpose of the Bylaw.

The Applicants have filed the current request for relief as a Special Permit Request and not a Variance Request for the reason that most, if not all of the present zoning requirements would be satisfied with the Applicants' construction plans except for the

6,000 square foot lot area requirement and as indicated previously, it is their position that in 1955 the Members of the Zoning Board intended that the subdivided was to be deemed a two-family lot notwithstanding that it did not contain 6,000 square feet which was the then lot area requirement.

Certain residents of Palmer Street have written to the Zoning Board of Appeals commenting upon the Applicants' plans.

The substance of the letter sent to the Zoning Board dated June 11, 2020 indicates that the residents do not take issue with the R2 Zone change but rather suggest that any new construction should take into account the Town's residential design guidelines.

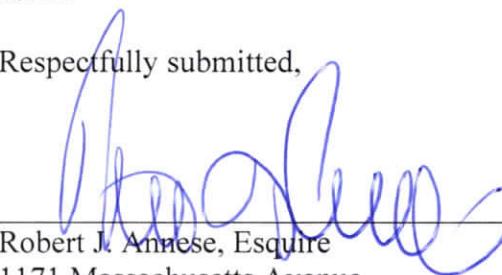
The Applicants suggest that efforts in that regard have been made with respect to their proposed construction plans and if one observes the physical characteristics of the Applicants' plans with respect to some of the photographs of the houses on Palmer Street and in the Palmer Street neighborhood, a reasonable inference can be drawn that the proposed construction would meld nicely with the physical characteristics of those houses.

In addition, it is fair to draw an inference that the proposed construction would be desirable to the public convenience or welfare as an additional residential unit will be added to a building lot in an R2 Zone, the use would not create new traffic congestion or unduly impair pedestrian safety and will not overload any municipal services.

Any special regulations for the use as may be provided in the Zoning Bylaw would be fulfilled and the proposed use would not impair the integrity or character of the district or adjoining districts nor be detrimental to the health and welfare and would certainly not by an addition to the neighborhood cause and excess of that use that could be detrimental to the character of the neighborhood. (Section 3.3.3 of the Zoning Bylaw).

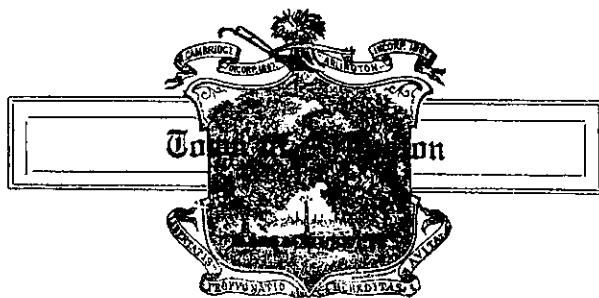
For all of the above reasons, the Applicants request that their Application for a Special Permit be allowed authorizing construction of a two-family duplex residential dwelling on the lot identified as 83 Palmer Street i.e., Lot B.

Respectfully submitted,



Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, MA 02476
781-646-4911
law@robertannese.com

BOARDS OF APPEALS



TELEPHONE
ARLINGTON 5-6700

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 4, Paragraph 5 of the Zoning By-Law that there has been filed by Carmine A. and Anna A. Lionetti of Arlington, Massachusetts a petition seeking permission to subdivide two lots located in back of number 12 Beacon Street, Arlington, Massachusetts. Said subdivision would create two lots with less than the square foot area required by Section 14-B of the Zoning By-Law.

Hearing in regard to the said petition will be held in the Town Manager's Office, located on the second floor of the Robbins Town Hall, Arlington, Massachusetts on Monday evening, February 21, 1955 at 9:00 O'Clock P.M.

ZONING BOARD OF APPEALS

Clifford E. Lansil
Secretary

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

PETITION NO. 411

of Carmine A. & Anna A. Lionetti

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the Petition of Carmine A. & Anna A. Lionetti for permission to subdivide a parcel of land at 12 Beacon Street.

The Petition was filed in the office of the Inspector of Buildings on January 26, 1955. The hearing was held at the Town Hall on Monday evening, February 21, 1955 after due notice had been given by publication in the Arlington News on February 10, 1955 and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Philibert Pelligrini, Chairman
Clifford E. Lansil, Secretary
Robert W. Blaisdell

The Petitioner was represented by Michael A. Fredo, Attorney.

The property involved in this appeal is shown on Plot plan #42 as Lots 9 & B extending from Beacon Street to Palmer Street. The series of lots lettered A, B, C, etc. are formed from a triangular strip which resulted from a relocation of Palmer Street. These lots, at the end near Warren Street, are of considerable size, lot B having an area of 2,269 sq. ft. However, it is too small to build upon. Lot 9 has an area of 7,821 sq. ft., and is larger than necessary for a house. It is proposed to subdivide lot 9 so that the back part, together with lot B, will comprise 5,507 sq. ft., while the residual of lot 9 will be 4,583 sq. ft. Thus, another lot will be created which will be large enough for practical utilization.

The proposal is quite in keeping with several others already submitted to the Board which pertain to lots in the blocks between Palmer Street and Beacon Street. The resulting lots would be as large as or larger than the average lots in the vicinity.

The Board believes that, in this case as in the others, the interests of all parties and the neighborhood will be best served by allowing the subdivision. Both lots will be conforming in width.

It is the unanimous decision of the Board to permit the subdivision as specified on the plan submitted with the Petition.

Philibert P. Pelligrini
Chairman

Clifford E. Lansil

2/10/55 Notice published in the Arlington News

Notice sent to the following:

Thomas A. Dewire, 85 Warren St.
Thomas J. Green & Alice K. Sliney, 93 Warren St.
Rosalie Woodside, 97 Warren St.
Patrick F. Brennan, et ux, 86 Palmer St.
Thomas D. & Catherine M. Kenna, 90 Palmer St.
John J. Sullivan, 94 Palmer St.
Rosina M. Lionetta, 98 Palmer St.
John J. & Dorothy A. Downing, 102 Palmer St.
Ciriaco & Lizzi Guanci, 16 Beacon St.
Cornelius J. Crowley, et al, 18 Beacon St.
Daniel Ahern, 213 Broadway {20 Beacon St.)
Antonio & Letitia Lionetto, 24 Beacon St.
Antoni & Carmine Guange, 28 Beacon St.
Eileen Welch, 11 Beacon St.
Joseph W. & Gladys R. Perry, 15 Beacon St.
Agnes G. Ahern, 17 Beacon St.
Michelangelo & Carmela Carella, 20 Sutherland Rd.(21 Beacon St.)
Rosario Carella, 25 Beacon St.
Wm. F. Carty, et ux, 29 Beacon St.
Mary A. Hennessy, 71 Warren St.
Adrienne H. Cunha, 75 Warren St.
Margaret B. Murphy, 77 Warren St.
Salvatore Caterino, 65 Palmer St. Owns 81 Palmer & 3 Beacon St.

TOWN OF ARLINGTON

In the Matter)
)
of the)
) No. 411
Petition of)
Carmine A. Lionetti and
Anna A. Lionetti)

To the Zoning Board of Appeals for the Town of Arlington: Respectfully represents Carmine A. Lionetti and Anna A. Lionetti of Arlington that they are the owner of certain land in Arlington, located Palmer St. & Beacon Street; that they made application of the Inspector of Buildings for a permit or license with respect thereto, to wit: to divide and sell a portion of that lot on Beacon Street, known as number 12, to the prospective purchasers of lot directly in the rear of said Beacon Street and facing Palmer Street. Said subdivision would create two lots with less than the square foot area required by Section 14-B of the Zoning By-Law. that they have been aggrieved by the refusal of the Inspector of Buildings to issue the permit or license on the grounds of noncompliance with the Zoning By-Law; that no unfavorable action has been taken by the Zoning Board of Appeals or its predecessors upon a similar appeal regarding this property within the two (2) years next immediately prior to the filing hereof.

Wherefore appeal is claimed from the decision of the Inspector of Buildings in accordance with the provisions of Section 4, Paragraph 3 of the Zoning By-Law for the Town of Arlington and as grounds therefor, your appellant states as follows: It is respectfully called to your attention the fact that on said Palmer Street there are at least three lots upon which buildings have been recently erected with a square foot area of the same or less area than the present lot on Palmer Street. The owners will sell a portion of the rear of their lot so as to increase the area of the Palmer Street lot.

Signed _____

Arlington, Massachusetts

Address _____

TOWN OF ARLINGTON
ZONING BOARD OF APPEALS

Notice of Decision

March 11, 1955

In accordance with the provisions of Section 4 of the Zoning By-Law, you are here-with notified that, after the hearing held February 21, 1955 in the matter of the Petition of Carmine A. & Anna A. Lionetti, the Zoning Board of Appeals has reached its decision.

It is the unanimous decision of the Board to allow the Petition.

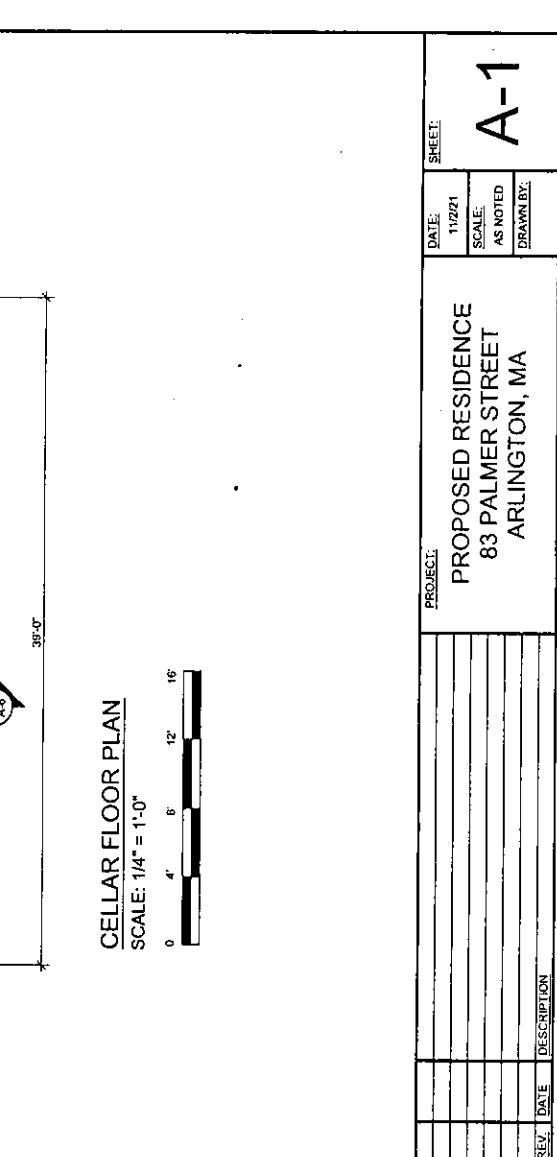
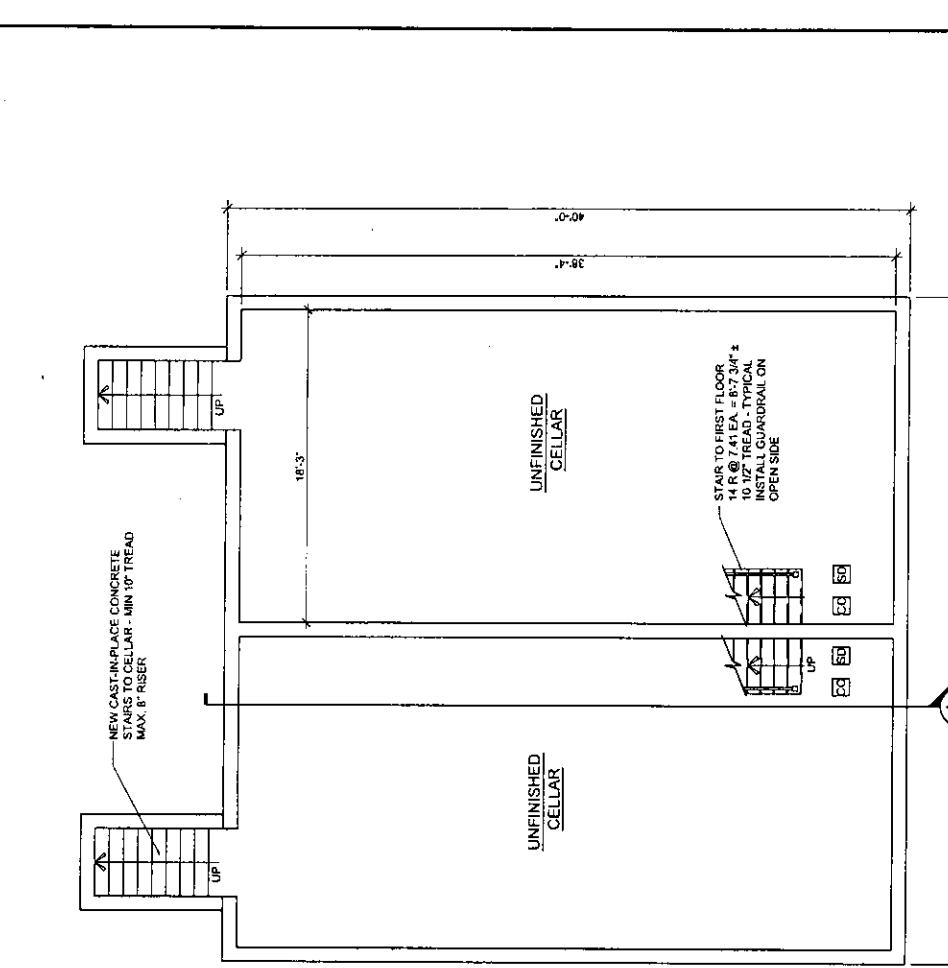
ZONING BOARD OF APPEALS
Clifford E. Lansil
Secretary

N/F CHRISTINE MALOY &
WENDY HORI
BK. 50961 PG 502
PART OF LOT 9 - PLAN NO. 490 OF 1955
NO. 12 BEACON STREET

PALMER STREET (PUBLIC - 40.00' WIDE)



PLOT PLAN AND
LANDSCAPE PLAN



<u>PROJECT:</u>		PROPOSED RESIDENCE 83 PALMER STREET ARLINGTON, MA	
<u>DATE:</u>	11/22/21		
<u>SHEET:</u>	A-1		
<u>SCALE:</u>	AS NOTED		
<u>DRAWN BY:</u>			
<u>REV.</u>	<u>DESCRIPTION</u>		
<u>DATE</u>			

- 2' x 4' WOOD STUDS @ 16" O.C.
- 2' x 6' WOOD STUDS @ 16" O.C.
- AIR AND WATER BARRIER MEMBRANE
- 1/2" EXTERIOR GRADE PLYWOOD COATING
- 1/2" BLUE BOARD AND SKIM COAT
- 1" GYPSUM SHAFT WALL
- 1/2" M.R. BOARD AT BATHROOM
- AS REQUIRED
- NEW VINYL SIDING - COLOR AND
STYLE TO BE DETERMINED BY OWNER
- CERTIFIED BLOWN INSULATION - BLAST IN
FIBERGLASS INSULATION - BLAST IN
- FULL DEPTH MINERAL WOOL INSULATION

GENERAL NOTES

BOTH SIDES OF THIS STRUCTURE ARE TO BE SIMILAR, ALL DIMENSIONS, WALL TYPES, AND NOTES SHOWN ON ONE SIDE ALSO APPLY TO THE OTHER.

CONTRACTOR IS TO REMOVE ALL DEMOLITION AND CONSTRUCTION DEBRIS FROM THE SITE.

ALL FINISHES, (PAINTS, TRIMS, FLOORING, CABINETRY, PLATES, KITCHEN EQUIPMENT, AND PLUMBING FIXTURES) ARE TO BE DETERMINED BY THE OWNER.

G.C. IS RESPONSIBLE FOR ALL PLUMBING, ELECTRICAL, HVAC WORK, AND VENTILATION TO CODE

FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF ANY WORK

ALL WORK TO CONFORM TO ALL STATE CODES AND LOCAL ZONING ORDINANCES

LIFE SAFETY LEGEND

-  CARBON MONOXIDE ALARM
 PHOTOELECTRIC SMOKE DETECTOR

The diagram illustrates a cross-section of a wall assembly. It consists of three main horizontal layers. The top layer is labeled 'F' at its top edge. The middle layer contains a series of vertical pipes or studs, with labels 'A' and 'K' positioned above them. The bottom layer is labeled 'H' at its top edge. Between the middle and bottom layers, there are two horizontal sections of mineral wool insulation. The upper section is labeled 'E' at its left end and 'G' at its right end. The lower section is labeled 'G' at its left end and 'J' at its right end. To the right of the wall assembly, there are three triangular callout boxes, each containing a number and a descriptive label:

- Triangle 1: 'INSTALL FULL DEPTH MINERAL WOOL'
- Triangle 2: 'INSTALL FULL DEPTH MINERAL WOOL'
- Triangle 3: 'INSTALL FULL DEPTH MINERAL WOOL'

DOOR AND WINDOW SCHEDULE

- (A) NEW 3'-0" x 6'-8" x 1' 34" THERMA-TRU STEEL ENTRY DOOR
NEW P-255 WITH ENTRANCE LOCKSET

(B) NEW 3'-0" x 6'-8" x 1' 34" THERMA-TRU STEEL ENTRY DOOR
ACS-116 WITH ENTRANCE LOCKSET

(C) NEW 3'-0" x 6'-8" x 1' 34" SOLID CORE WOOD, INTERIOR DOOR
WITH LEVER STYLE CLOSET LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.

(D) NEW 2'-8" x 6'-6" x 1' 34" SOLID CORE WOOD, INTERIOR DOOR
WITH LEVER STYLE BEDROOM LOCKSET AT BEDROOMS, PASSAGE LOCKSET AT CELLAR DOOR, DOOR STYLE TO BE DETERMINED BY THE OWNER.

(E) NEW 2'-5" x 6'-6" x 1' 34" SOLID CORE WOOD, INTERIOR B/F DOOR,
WITH LEVER STYLE BATHROOM LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.

(F) NEW 2'-0" x 6'-6" x 1' 34" SOLID CORE WOOD INTERIOR B/F DOOR,
WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.

(G) NEW 4'-0" x 6'-6" x 1' 34" SOLID CORE WOOD INTERIOR B/F DOOR,
WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.

(H) NEW 2'-6" x 6'-6" x 1' 34" SOLID CORE WOOD INTERIOR B/F DOOR,
WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.

(I) NEW 2'-6" x 6'-6" x 1' 34" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW
#42446, SILL HEIGHT @ 26" A.F., LOW-E CLASS, ARGON FILLED, WHITE, 66",
WITH HALF SCREEN, THIS WINDOW CONFORMS WITH 2015 RIC SECTION
R310.2 (SEE MASSACHUSETTS AMENDMENT SECTION R310.2.1 - EXCEPTION 2)
EMERGENCY ESCAPE WINDOW REQUIREMENTS.

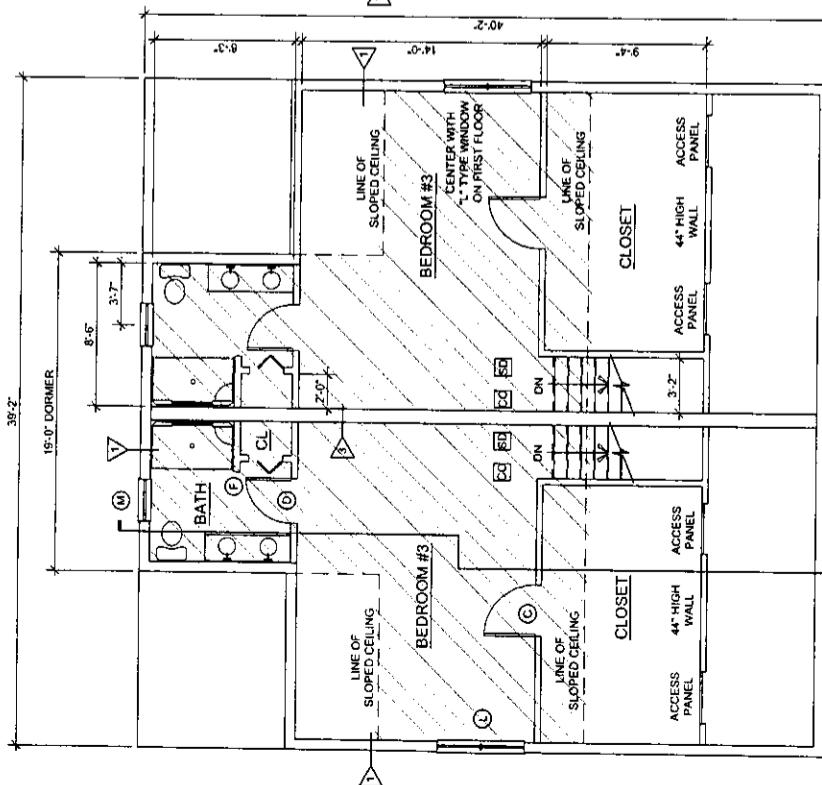
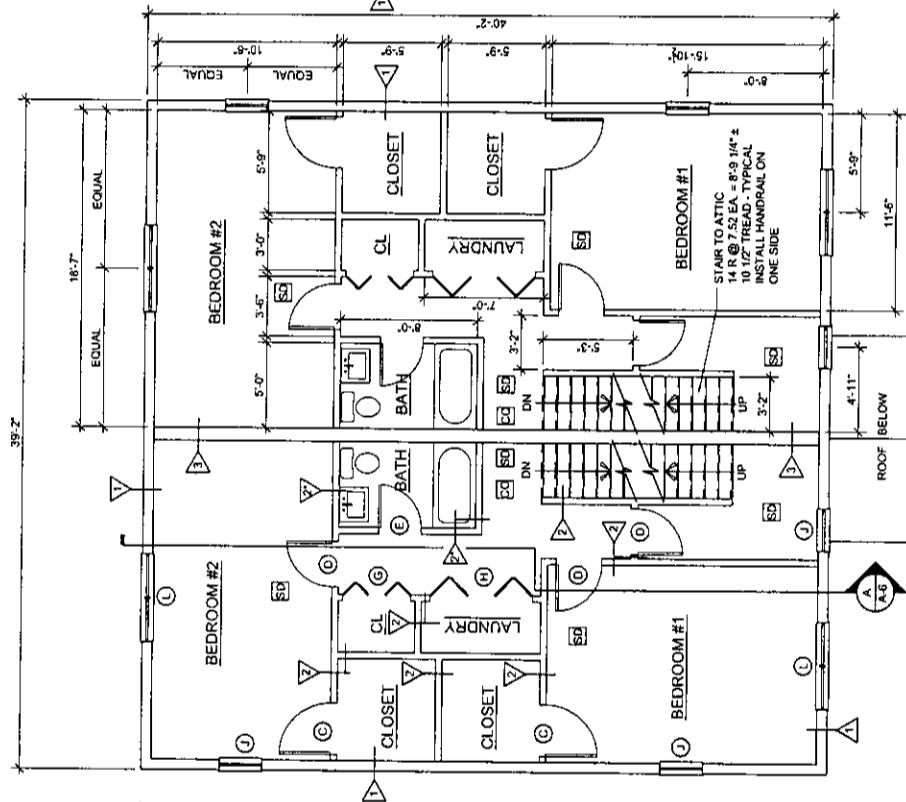
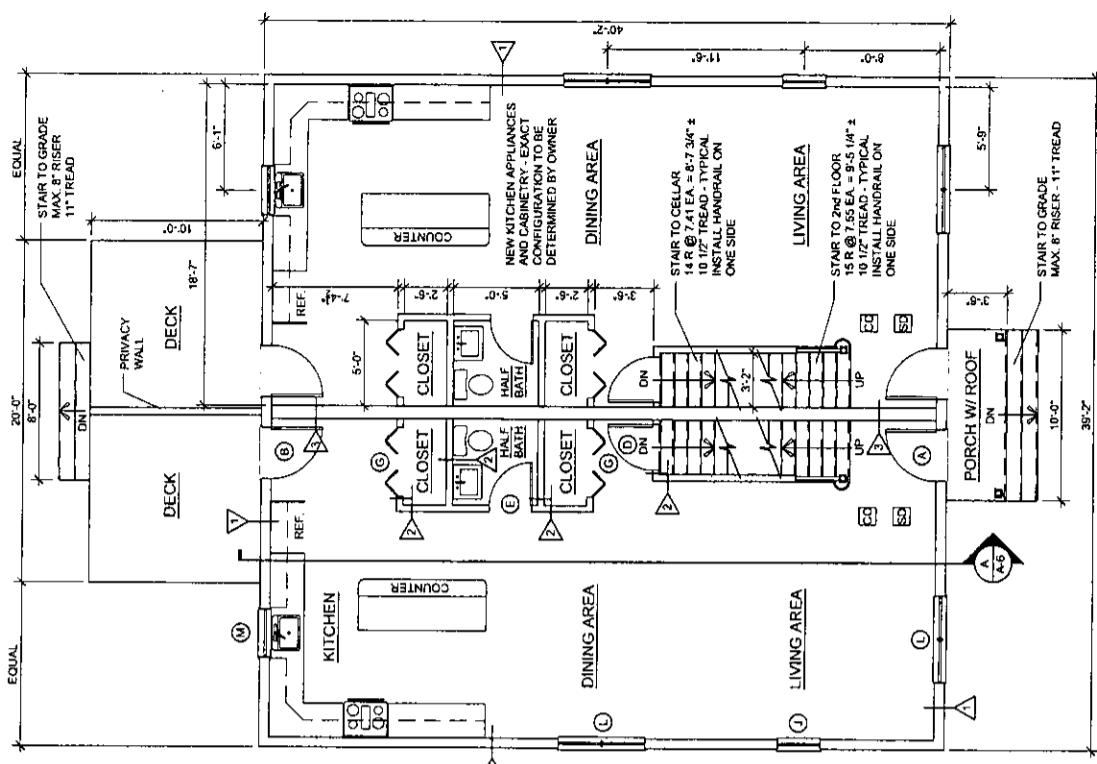
(J) NEW 2'-6" x 6'-6" x 1' 34" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW
#42462, SILL HEIGHT @ 24" A.F., LOW-E CLASS, ARGON FILLED, WHITE, 66",
WITH HALF SCREEN, THIS WINDOW CONFORMS WITH 2015 RIC SECTION
R310.2 (SEE MASSACHUSETTS AMENDMENT SECTION R310.2.1 - EXCEPTION 2)
EMERGENCY ESCAPE WINDOW REQUIREMENTS.

(L) NEW 2'-5" x 3'-5" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW
#42462, SILL HEIGHT @ 24" A.F., LOW-E CLASS, ARGON FILLED, WHITE, 66",
WITH HALF SCREEN, SAFETY GLAZING AT ATTIC BATHROOM WINDOW.

(M) NEW 4'-1" x 7'-2" TRUSTGARD INSULATED TRANSCOM VINYL WINDOW #40107R
FIELD COORDINATE EXACT LOCATION, WHITE.

(N) NEW BILCO SIZE "C" CLASSIC SERIES FULL HEIGHT PIVOT CHAMFERED OUTSWING
WITH 2" EXTENSION, NEW P-255 WITH ENTRANCE LOCKSET

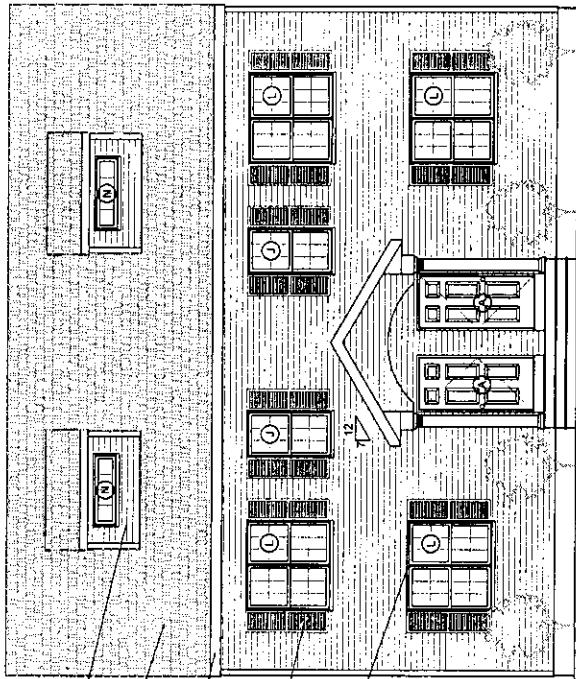
(P) NEW BILCO SIZE "C" CLASSIC SERIES BASEMENT DOOR 55" x 77"



PROJECT:	PROPOSED RESIDENCE 83 PALMER STREET ARLINGTON, MA		
REV.	DATE	SHEET	11/2/21
		SCALE	AS NOTED
		DRAWN BY	

A-2

ZONING SUMMARY
FLOOR AREA UNDER EXISTING ROOF = 1,572 SQUARE FEET
PROPOSED FLOOR AREA WITH CEILING 7'-3" OR HIGHER = 694 SQUARE FEET
AREA WITH CEILING 7'-3" OR HIGHER (HATCHED) = 44.1%
PROPOSED ATTIC CONFORMS WITH THE "DEFINITION OF HALF STORY"
PER ARTICLE 2 OF THE TOWN OF ARLINGTON ZONING BYLAWS



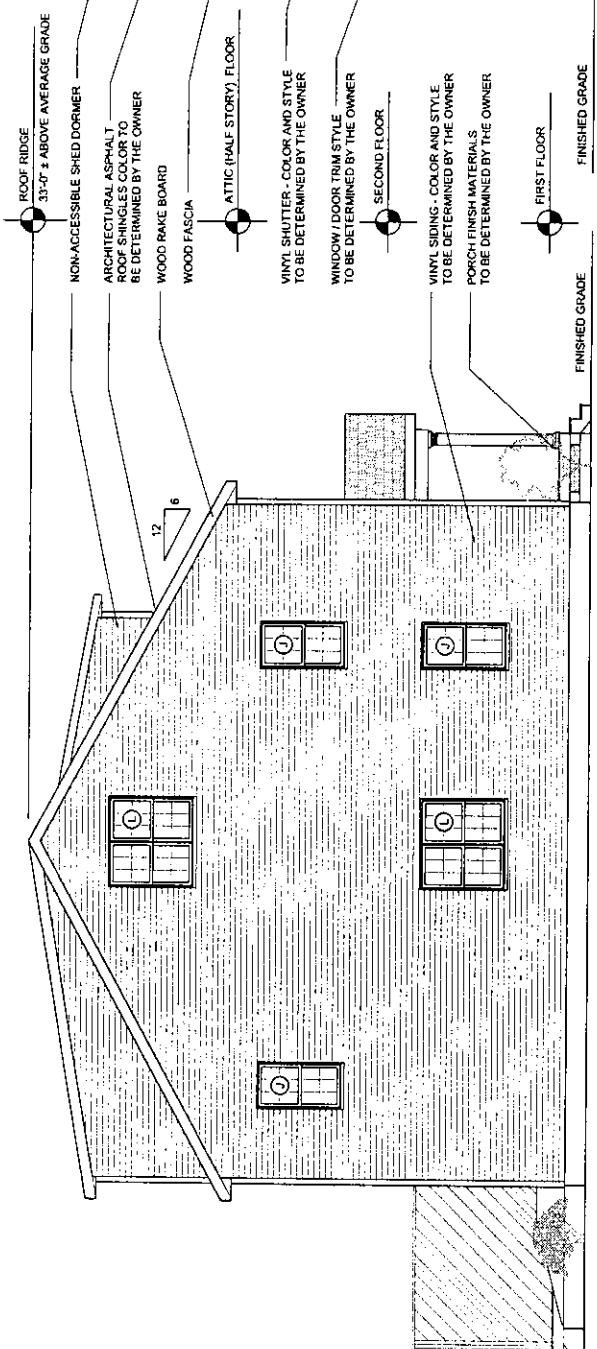
SCHEMATIC FRONT ELEVATION

SCALE: 1/4" = 1'-0"



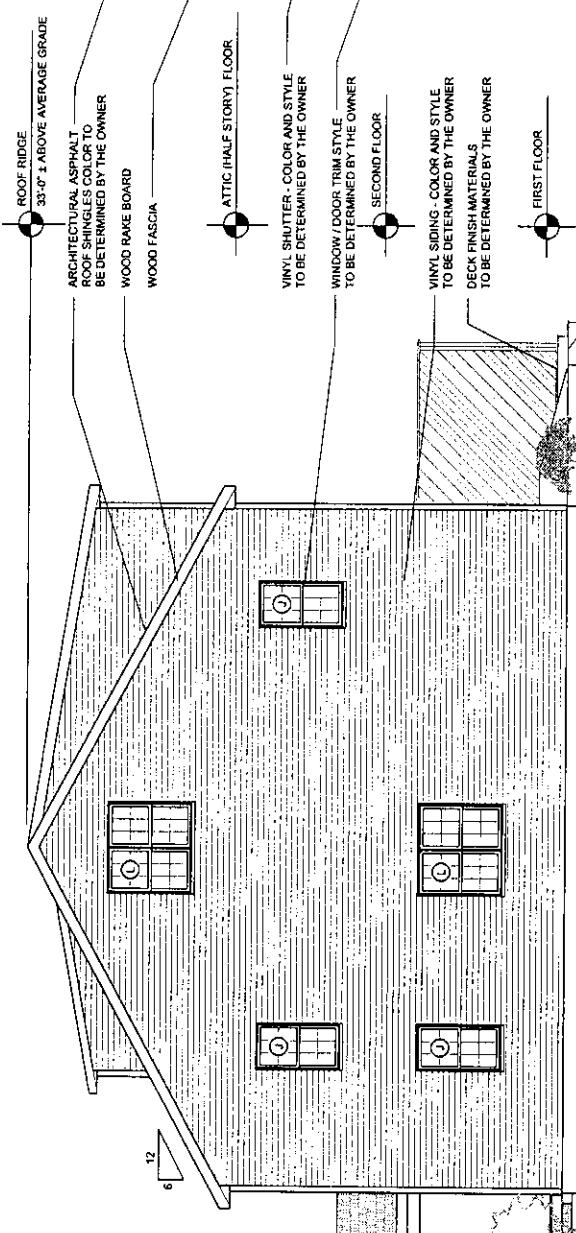
SCHEMATIC REAR EVALUATION

SCALE: 1/4" = 1'-0" 0' 4' 8' 12' 16'



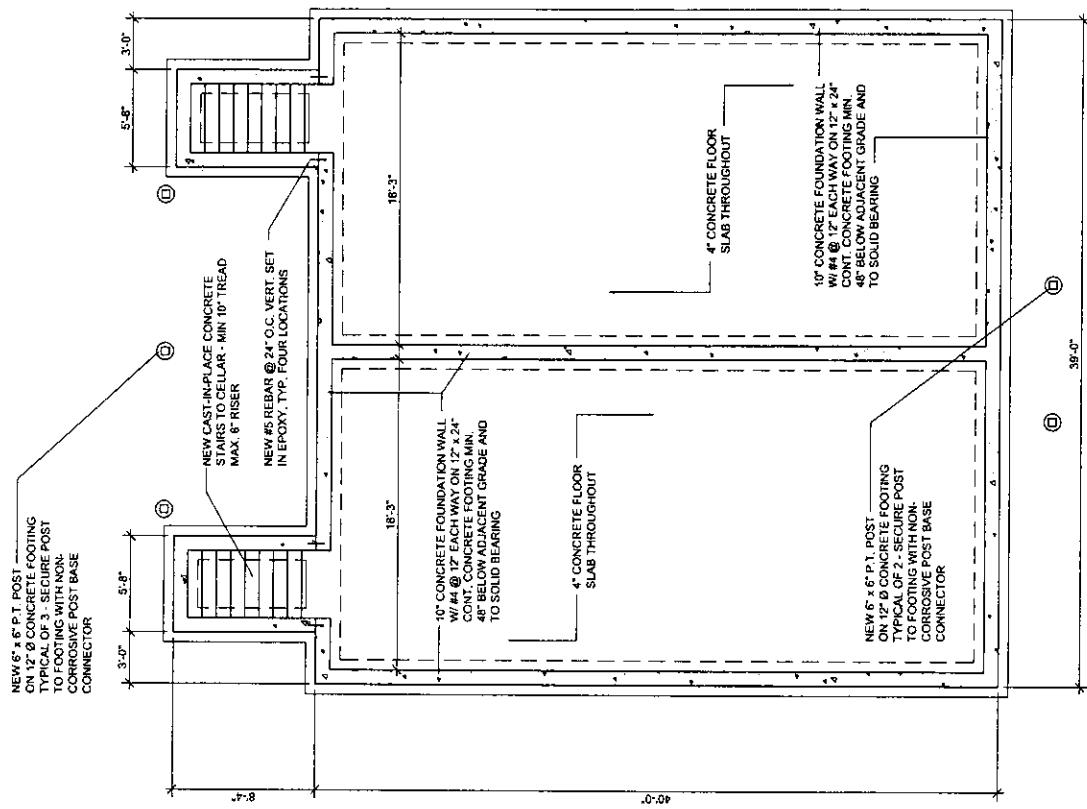
SCHEMATIC LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0" 0' 4' 8' 12' 16'



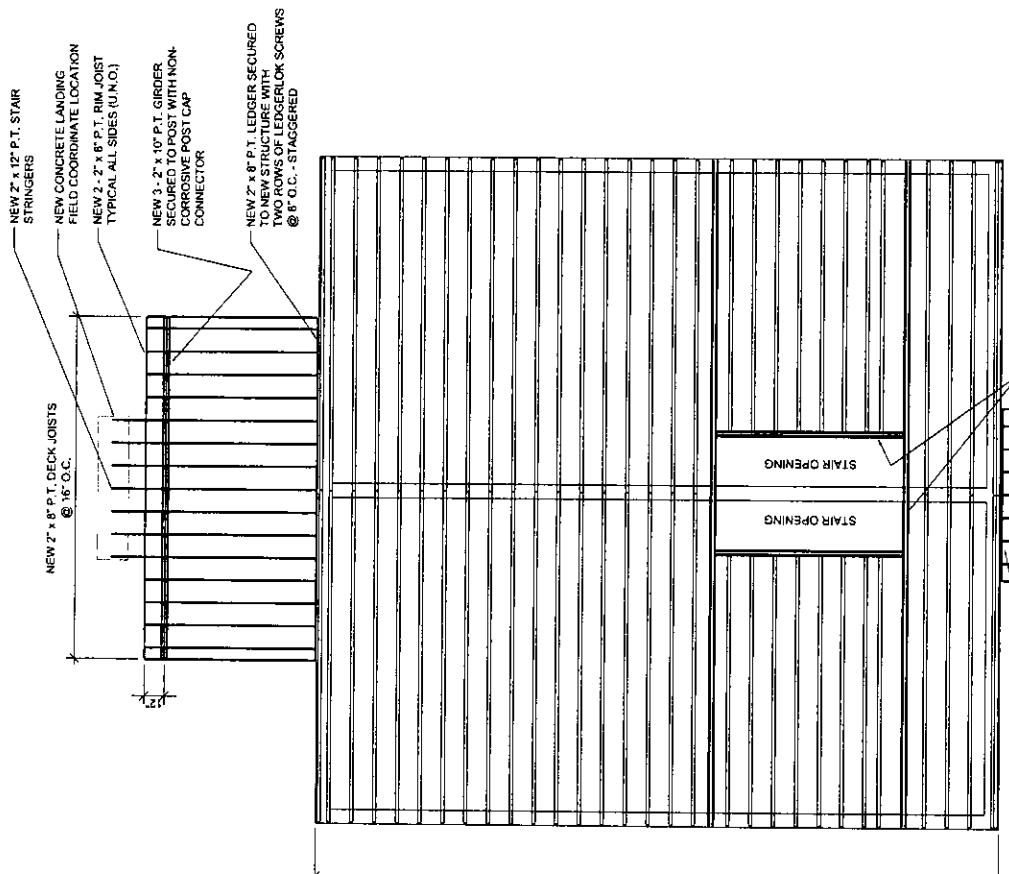
SCHEMATIC RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0" 0' 4' 8' 12' 16'



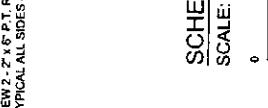
FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



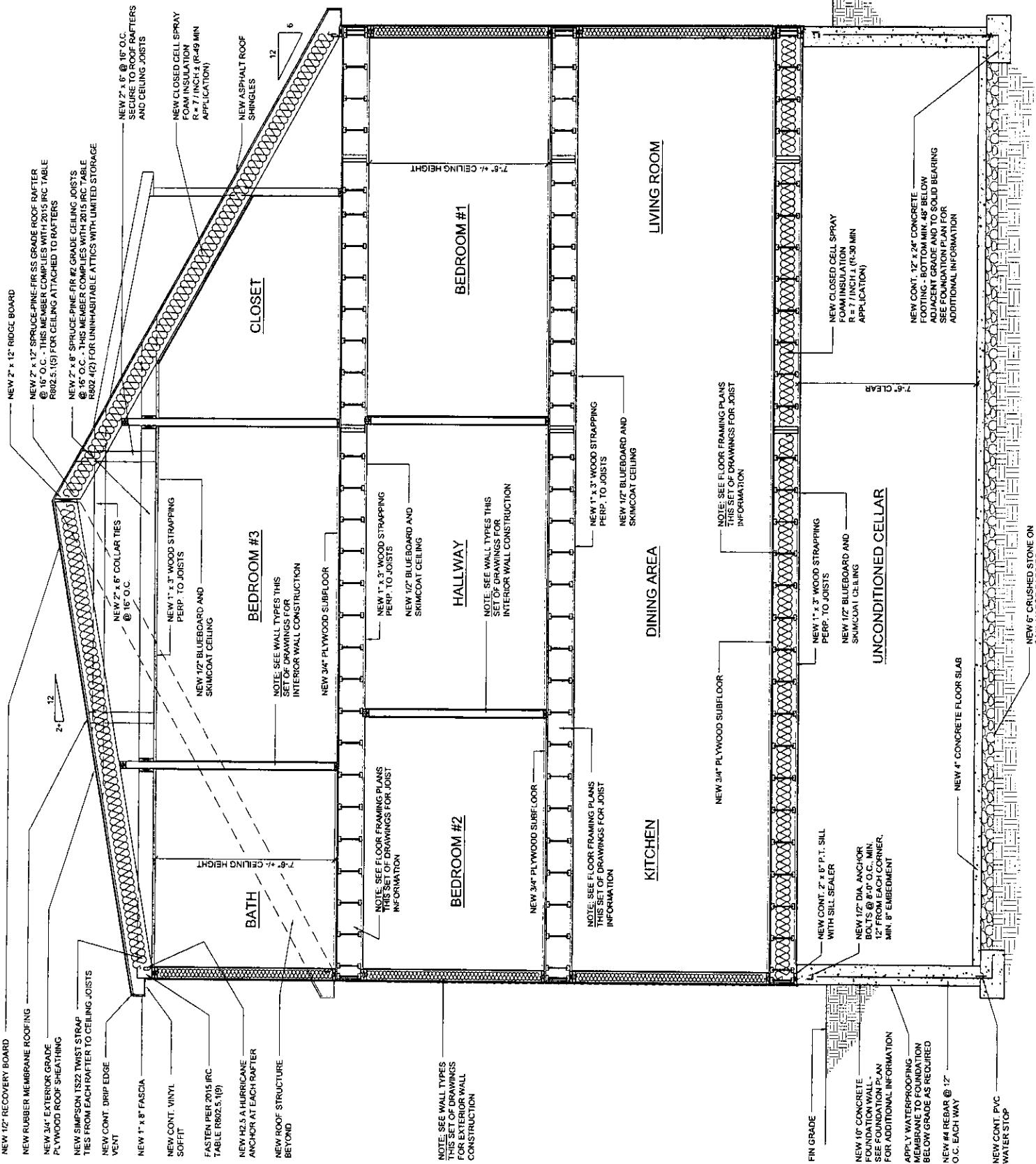
SCHEMATIC FIRST EDITION FRAMING PLAN

SCHEMATIC FIGURE



9-A-6

PROPOSED RESIDENCE
83 PALMER STREET
ARLINGTON, MA



49 of 132

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For application to The Zoning Board of Appeals

1. Property Location: **83 Palmer Street, Arlington, Massachusetts 02474**
 Zoning District: **R2**
2. Present Use/Occupancy: **One** No. of dwelling units (if residential) _____
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): _____
4. Proposed Use/Occupancy: **two residential dwellings** No. of dwelling units (if residential) **2**
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): **4664 sf**

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (sq. ft.)	5,512 sq ft	5,512 sq ft	min. 6,000 sq ft
7. Frontage (ft.)	60.14	60.14	min. 60 ft
8. Floor area ratio	N/A	N/A	max.
9. Lot Coverage (%)	21.4%	28.9%	max 35%
10. Lot Area per Dwelling Unit (Sq. ft.)	N/A	N/A	min.
11. Front Yard Depth (ft.)	16.5 ft	20.0 ft	min. 20 ft
12. Left Side Yard Depth (ft.)	7.5 ft	10.5 ft	min. 10 ft
13. Right Side Yard Depth (ft.)	7.6 ft	10.6 ft	min. 10 ft
14. Rear Side Yard Depth (ft.)	37.3 ft	27.4 ft	min. 18.34 ft
15. Height (stories)	2.5	2.5	max. 2.5
16. Height (ft.)	26.1 ft	34.5 ft	max. 35.0 ft.
17. Landscaped Open Space (% of GFA) Sq. ft. _____	3549/2150 = 165%	2230/4664 = 47.8%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. _____	2238/2150 = 104%	1478/4664 = 31.7%	min. 30%
19. Parking Spaces (number)	2	4	min. 2 (req) 4 (prop)
20. Parking area setbacks	N/A	N/A	min.
21. Loading Spaces (if applicable)	N/A	N/A	min. n/a
22. Type of construction	Wood	Wood	Wood

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address: 83 Palmer Street, Arlington, MA

Zoning District: R2

<u>OPEN SPACE</u>	EXISTING	PROPOSED
Total lot area	5,512 sq ft	5,512 sq ft
Open Space (Usable)*	2238 sq ft	1478 sq ft
Open Space (Landscaped)	3549 sq ft	2230 sq ft

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if: 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

<u>GROSS FLOOR AREA (GFA)</u>		
Accessory building	N/A	N/A
Basement or cellar (>5' excluding mechanical area)	592 sq ft	780 sq ft
1 st Floor	870 sq ft	1,560 sq ft
2 nd Floor	662 sq ft	1,560 sq ft
3 rd Floor	N/A	764 sf
4 th Floor	N/A	N/A
5 th Floor	N/A	N/A
Attic (>7'3" in height, excluding elevator, mechanical)	0	0
Parking garages (except as used for accessory Parking garages or off street loading purposes)	0	0
All weather habitable porches and balconies	26 sq ft	0
Total Gross Floor Area (GFA)	2,150 sq ft	4,664 sq ft

REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA 31.7%

Proposed Landscaped Open Space Percent of GFA 47.8%

This worksheet applies to plans dated 11/2/21 designed by Plot Plan by D & A Survey Associates, Inc

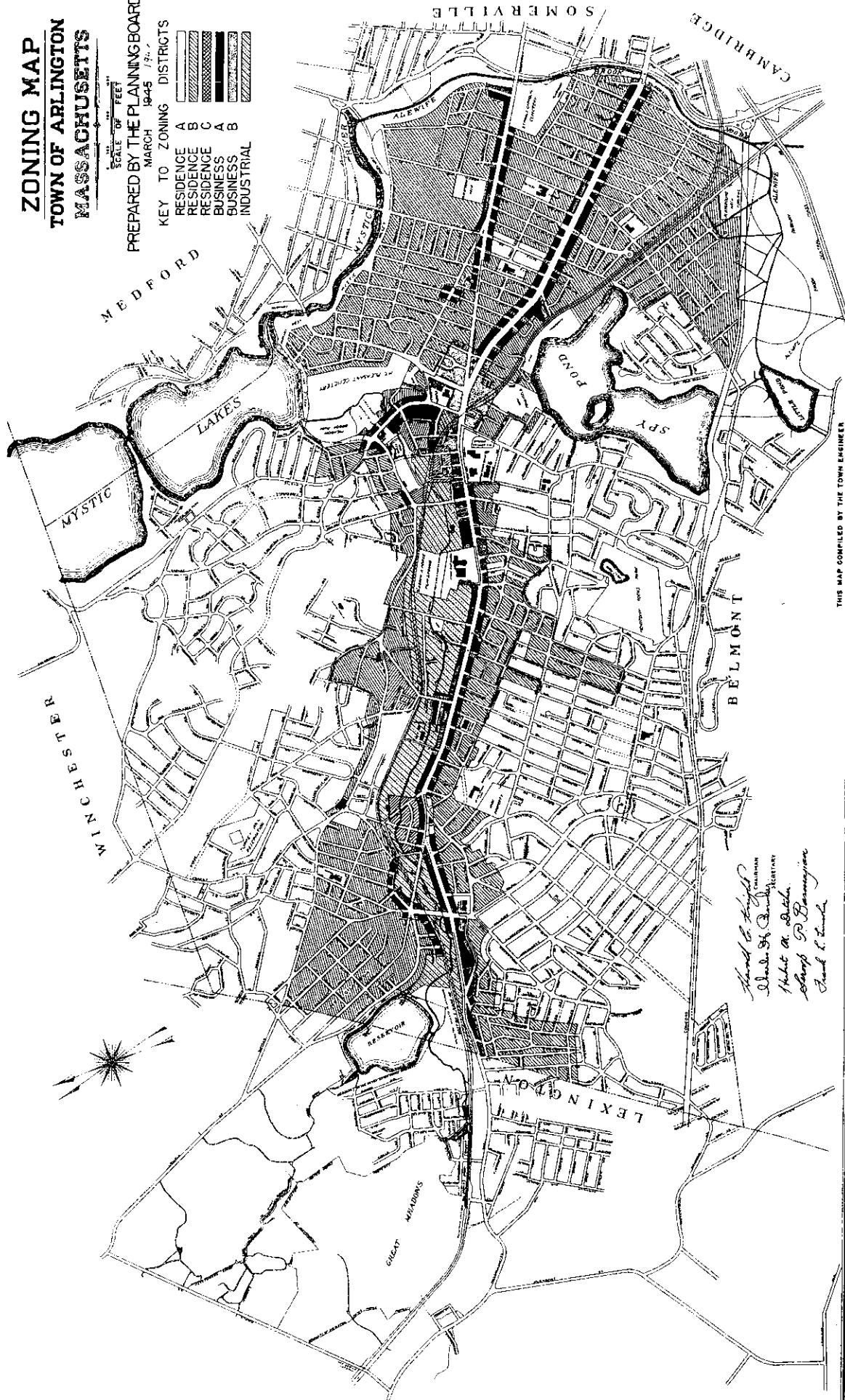
Reviewed by Inspectional Services _____ Date: _____

ZONING MAP
TOWN OF ARLINGTON
MASSACHUSETTS

Scale of feet
PREPARED BY THE PLANNING BOARD
MARCH 1945 1/4"

KEY TO ZONING DISTRICTS

RESIDENCE A	Residence A
RESIDENCE B	Residence B
RESIDENCE C	Residence C
BUSINESS A	Business A
BUSINESS B	Business B
INDUSTRIAL	Industrial



THIS MAP COMPILED BY THE TOWN ENGINEER

Frank C. Light
Chairman
John H. Quigley
Treasurer
Robert A. Doherty
George P. Brannigan
Frank E. Smith

ZONING BY-LAW
for the
TOWN OF ARLINGTON
MASSACHUSETTS

as amended to

OCTOBER 15, 1954



TABLE OF CONTENTS

	Page
DISTRICTS	
Section 1. Establishment of Districts	1
Section 1-A. District Boundaries	1
ADMINISTRATION AND ENFORCEMENT	
Section 2. Enforcement	2
Section 3. Occupancy Permit	2
Section 4. Zoning Board of Appeals	3
Section 4-A. Exceptions and Variances	4
Section 5. Amendments	5
GENERAL PROVISIONS	
Section 6. Definitions	6
Section 7. Non-Conforming Buildings and Uses	9
Section 8. Use of Land	9
Section 9. Restrictions Affecting All Districts	9
Section 10. Access and Parking for Business and Industrial Buildings	10
Section 11. Corner Clearance in Residential Districts	10
Section 12. Reduction of Lot Area	10
Section 12-A. Location of Private Garages	10
RESIDENCE A DISTRICTS	
Section 13. Use Regulations	11
Section 13-A. Area Regulations	11
Section 13-B. Height and Area Regulations	12
RESIDENCE B DISTRICTS	
Section 14. Use Regulations	12
Section 14-A. Area Regulations	12
Section 14-B. Height and Area Regulations	13
RESIDENCE C DISTRICTS	
Section 15. Use Regulations	13
Section 15-A. Building Coverage and Court Regulations	13
Section 15-B. Parking Spaces	14
Section 15-C. Height and Area Regulations	14
RESIDENCE D DISTRICTS	
Section 15-1. Use Regulations	14
Section 15-2. Building Coverage and Court Regulations	15
Section 15-3. Parking Spaces	15
Section 15-4. Height and Area Regulations	15

5. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Zoning Board of Appeals, as provided in Section 4.

proposed use of the land and building and all accessory uses comply in all respects with this by-law and no use shall be made of such land or building that is not authorized by such occupancy permit.

ADMINISTRATION AND ENFORCEMENT

Section 2. Enforcement

1. This by-law shall be enforced by the Inspector of Buildings appointed under the building code of the Town of Arlington, and no permit shall be granted for the construction, alteration, re-location or use of any building or structure, if the building or structure as constructed, altered, re-located or used would be in violation of any provision of this by-law. Whenever such permit or license is refused because of some provisions of this by-law, the reason therefor shall be clearly stated in writing.

2. If the Inspector of Buildings shall be informed, or have reason to believe, that any provision of this by-law has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If he shall find any such violation he shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and order that any use of any building contrary to the provisions of this by-law shall immediately cease.

3. If, after such notice, the premises are continued to be used in a manner contrary to the provisions of this by-law, or if any such owner or occupant shall fail to obey any lawful order of the Inspector of Buildings in respect to any violation or use contrary to the provisions of this by-law, the Inspector of Buildings with the approval of the Board of Selectmen may, and if required by them shall, institute appropriate legal proceedings to enforce the provisions of this by-law or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this by-law.

Section 3. Occupancy Permit

1. No building hereafter erected, altered substantially in its use or extent or relocated shall be used, and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the

Section 4. Zoning Board of Appeals

1. A Zoning Board of Appeals is hereby established, to consist of three members to be appointed by the Board of Selectmen. All members of said Zoning Board shall be residents of the Town of Arlington, and one member shall be an Attorney-at-Law, and at least one of the remaining members shall be a registered architect or a registered civil engineer. The appointments first made shall be for the term of one, two, and three years respectively, so that the terms of one member shall expire each year. All subsequent appointments shall be for the term of three years. When the appointments are first made the Board of Selectmen shall also appoint two associate members for the term of two years each, such associate membership to be appointed every second year. No member shall act in any case in which he shall be interested, and in case any member or members shall be so disqualified, or because of absence from the town, or any other cause, he or they shall be unable to act, the remaining member or members, shall, in a written statement, filed with the secretary, so certify, and name an associate member or members to act upon the particular matter. Whenever said associate member or members shall serve, he or they shall have all the powers conferred upon a regular member. If two or more members are absent or disqualified, the Board of Selectmen may appoint substitutes to act during such absence or disqualification. The said Zoning Board of Appeals shall organize yearly, choosing a chairman and a secretary.

2. The Board shall adopt rules, not inconsistent with the provisions of the by-laws of the Town, for conducting its business and otherwise carrying out the purposes of the Zoning by-laws. Meetings of the Board shall be held at the call of the chairman, and also when called in such manner as the board shall determine in its rules. Such chairman, or in his absence the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public. The Board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of all of which shall be immediately filed in the office of the town clerk and shall be a public record, and notice of decisions shall be mailed forthwith to parties in interest as hereinafter designated.

3. Any person aggrieved by the refusal of the Inspector of Buildings to issue a permit or license on the grounds of noncompliance with the Zoning by-laws may appeal to the Zoning Board of Appeals as provided in Chapter 40 of the General Laws and any amendments thereto.

4. No appeal or petition and no application for a special exception to the terms of this by-law which has been unfavorably acted upon shall be considered by the Zoning Board of Appeals within two years after the date of such unfavorable action except with the consent of all the members of the Planning Board.

5. Any person or persons desiring to obtain the permission of the Zoning Board of Appeals for any purpose for which such permission is required under the provisions of this by-law shall make application in writing therefor to the Zoning Board of Appeals which shall, within a reasonable time, hold a public hearing thereon, seven days' public notice of which shall be given.

6. The Zoning Board of Appeals shall also, at least ten days prior to the hearing, send or deliver written notice to all the owners of real estate opposite to or abutting on the property in connection with which any permission is sought, and to such others as the Zoning Board of Appeals may order or by regulation prescribe, and shall, at least ten days before the hearing, post a notice of the hearing, upon the property in a conspicuous location, adjacent to a street on which the property is situated, stating the nature of the petition in connection with which permission is sought. A copy of this notice shall be posted on the Bulletin Board at the Town Hall.

7. In the case of an appeal involving a change in use of land or building the Zoning Board of Appeals shall hold a joint meeting with the Planning Board to discuss the matter, preferably before the date of the public hearing or in any event before final action is taken by the Zoning Board of Appeals.

Section 4-A. Exceptions and Variances

1. The Zoning Board of Appeals may on petition, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with its general purpose and intent, in the following cases:

(a) It may permit in a Residence A District the alteration of a single family dwelling as a residence for not more than two families, provided that the external appearance of a single family dwelling be retained so far as reasonably practical.

- (b) It may permit in a Residence A District or B District a hospital, sanitarium or other medical institution.
- (c) It may permit the rebuilding, repair or extension of a non-conforming use as provided in Section 7, Paragraph 3.

2. The Zoning Board of Appeals may also authorize variances in particular cases as provided in Section 30 to 30A of Chapter 40 of the General Laws or acts in amendment thereof and in addition thereto. The grant of such variances may be of indefinite duration, or for periods not exceeding one year. Such temporary grants of variances may be renewed from time to time, except that in the case of a new building or of an addition to an existing building, the aggregate of the periods covered by such temporary grants and the extensions thereof shall not exceed two years.

Section 5. Amendments

- 1. A copy of every petition for the amendment, modification or repeal of this by-law, including the Zoning Map and the boundary lines of the districts thereon, and of every article submitted or to be submitted to the Selectmen for insertion in the warrant for any Town Meeting relating to any such amendment, modification or repeal, shall be filed with the Planning Board on or before the date when such article is submitted to the Selectmen for insertion in the warrant.
- 2. The Planning Board, upon the request in writing of not less than ten registered voters of the Town shall, or upon its own initiative may, hold a public hearing for the consideration of any proposed amendment, modification or repeal of this by-law, provided that where a petition is filed such petition shall show that copies of the petition have been sent by registered mail to all abutters of the land referred to in the petition. The Planning Board shall report to the Town Meeting its recommendations with respect to the action to be taken thereon. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town, the first publication to be not less than ten days before the date assigned for the hearing.
- 3. No action shall be taken at any Town Meeting upon any proposed amendment, modification or repeal of this by-law unless a public hearing has been held thereon in the manner prescribed in the preceding paragraph, and the recommendations of the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board to the Town Meeting; and no amendment, modification or repeal of this by-law shall be made except by two-thirds vote of a town meeting.

4. No proposed amendment to this by-law which has been unfavorably acted upon by the Town Meeting shall be considered on its merits within two years after the date of such unfavorable action unless the adoption of such an amendment is recommended in the final report of the Planning Board required by Section 27 to 27A of Chapter 40 of the General Laws.

GENERAL PROVISIONS

Section 6. Definitions

1. Unless otherwise expressly stated, the following terms shall for the purpose of this by-law, have the meanings indicated.

2. Words used in the present tense include the future. Words used in the masculine gender include the feminine and neuter; and in the feminine or neuter, the masculine. Words used in the singular number include the plural; and in the plural, the singular. "Lot" includes "plot"; "building" includes "structure"; "occupied" includes "designated or intended to be occupied"; and the "used" includes "designated or intended to be used".

"Accessory Use"--Is the use of a building or premises for a purpose customarily incidental to a use permitted in the district in which it is located.

"Alteration"--A change in a building which modifies its location, plan, manner of construction or the kind of materials used or in any way varies the character of its use.

"Apartment"--A portion of a building used as a dwelling by one family.

"Apartment House"--Any building containing three or more apartments.

"Basement"--That part of a building which has more than one-half of its clear height below the level of the finished grade.

"Boarding House (Home)"--A house in which a regular service of meals is furnished for persons for a remuneration.

"Building, existing"--A building already erected upon the effective date of this by-law.

"Building, new"--A building erected after the effective date of this by-law.

"Building, line"--The line established by law, beyond which a building shall not extend, except as specifically provided by law.

"Commercial Vehicle"--Any truck, tractor, cart or wagon, whether or not marked to indicate a business use, as well as any passenger car on which is painted or otherwise permanently affixed any writing to designate the business use or affiliation of the said car in the business, profession or occupation of the owner or user, shall be deemed to be a commercial vehicle for the purposes of this by-law.

"Corner lot"--Is a lot at the junction of and fronting on two or more intersecting streets or ways. Only that portion of the lot having a frontage on any one street of 150 feet or less shall be considered a corner lot. On a corner lot the front yard set back requirements must be complied with on each street.

"Court"--An unoccupied space other than a yard, inclosed on three or more sides and on the same lot as the building, but open to the sky, unobstructed by roof, sky-light or other appendages. A court which extends to the street, rear yard, front yard or side yard is an "Outer Court"; a court that does not thus extend is an "Inner Court".

"Duplex House"--Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.

"Dwelling"--A house or building or portion thereof which is occupied by one or more families doing their cooking on the premises.

"Family"--Is a number of individuals living together as a single housekeeping unit and doing their cooking upon the premises.

"Front Yard"--Is a space across the full width of the lot and extending from the front line of the building on such lot to the front line of such lot.

"Frontage"--The front part of a building or lot abutting on a public or private way. A corner lot fronts on the street on which it is numbered.

"Garage"--Any building, or part thereof, wherein is kept or stored one or more motor vehicles, or wherein the painting, repairing or greasing of motor vehicles is performed.

"Garage, private"--A garage in which no business or industry connected directly or indirectly with motor vehicles is carried on and in which only passenger cars are housed.

"Gross Floor Area"--The gross floor area of a building is the total area of all floors, including basement and mezzanines, measured to the exterior walls of the building, and including partitions, stairhalls, corridors and covered porches.

"Half Story"--Is any story which is under a sloping roof, where the point of intersection of the tops of the rafters and the face of the wall is less than three (3) feet above the floor level.

"Height of Building"--Is the vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining the building, excluding penthouses, bulkheads and other allowable superstructures above the roof.

"Lot"--Is the parcel of land on which a principal building and its accessories are placed, together with the required open spaces.

"Lot Line"--Is a division line between adjoining properties or a division line between individual lots established by a plan filed in the Registry of Deeds or Land Court.

"Occupancy"--Use or occupancy of a building, character of use, or designated purpose of a building or structure or portion thereof.

"Penthouse"--Is a small structure built upon the roof.

"Rear Yard"--Is a space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot.

"Rooming or Lodging House"--A house in which a business is made of renting rooms.

"Sanatorium or Sanitarium"--An establishment for the reception and treatment of invalids or convalescents where conditions are favorable and beneficial to the patient.

"Side Yard"--Is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located.

"Story"--That part of a building between any floor and the floor or roof next above.

For the purpose of this by-law, where a building is not divided into stories, a story shall be considered fifteen feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four feet, six inches above the average finished grade, shall be a story within the meaning of this by-law.

"Street Line"--The dividing line between a street and a lot.

"Two-Family House"--Is a house containing two apartments, in which part of an apartment is over part of the other apartment. (See Duplex House.)

Section 7. Non-Conforming Buildings and Uses

1. This by-law and any amendment thereof shall not apply to buildings existing at the time of its taking effect or to the existing use of buildings or land.

2. If any building existing at the time this by-law takes effect is then legally used in whole or in part for a purpose for which a new building may not be constructed or used under the provisions of this by-law, this by-law shall not prohibit the changing of such use of such building or part to a use which is not substantially different from the existing use, provided the building is not altered structurally and provided further that the new use is not prohibited in the most restricted zone in which the present use would be permitted. However, no non-conforming use which is changed to a conforming use shall be permitted to revert to a non-conforming use.

3. Any building or part of a building which, at the time of the adoption of this amendment, is being legally put to a use not conforming with the regulations of the district in which it is situated may continue to be used for the same purpose or for purposes not substantially different, and may be repaired; but no nonresidential building, if destroyed to the extent of 75% of its value above the foundation, shall be rebuilt for non-conforming use. No non-conforming building shall be extended or enlarged except by permission of the Zoning Board of Appeals. The Zoning Board of Appeals may grant permission if such rebuilding, extension or enlargement would be in harmony with the general purpose and intent of this by-law, and not otherwise.

Section 8. Use of Land

The use of land for any purpose other than those specifically provided for in these by-laws is hereby forbidden. No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws,) except by permission of the Zoning Board of Appeals, such permission being obtained in accordance with the procedure provided in Section 4 and only when such permission would be in harmony with the general purpose and intention of this by-law and under such conditions as the Zoning Board of Appeals may impose. However, nothing contained in this section, or any amendment thereto, shall prevent the continued use of any land for the purpose for which it is legally being used at the time this section or any amendment thereof takes effect.

Section 9. Restrictions Affecting All Districts

No new building or part thereof shall be constructed or used, and no premises shall be used, and no building or part

thereof shall be altered, enlarged, reconstructed, or used under the conditions designated as (a) and (b) of this section in any part of the town.

- (a) For any purpose which by the emission or discharge of fumes, vapor, gas dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the public health or safety.
- (b) For any purpose which would be for any reason injurious to the health, safety, morals or welfare of the community or harmful to property therein.

Section 10. Access and Parking for Business and Industrial Buildings

No driveway or other means of access for vehicles other than a public street and no parking space for private automobiles or commercial vehicles shall be maintained or used in any residence district to serve business or industrial buildings located in a business or industrial district.

Section 11. Corner Clearance in Residential Districts

Between the property lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

Section 12. Reduction of Lot Area

No lot on which is located any building used for residence purposes in any district shall be reduced or changed in area or shape so that the building or lot fails to comply with the provisions of this by-law. This Section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.

Section 12-A. Location of Private Garages

Private garages shall be located not less than five feet from any other building except that such garages of first or second class fire protected construction may be located adjacent to any other building.

RESIDENCE A DISTRICTS

Section 13. Use Regulations

In the Residence A districts, no new buildings or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purposes;
- (b) Any purpose except one or more of the following:

1. Single family detached dwelling house
2. Physician's (M.D.) office in residence
3. Farm (except the raising of livestock or poultry) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question.
4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage for not more than two cars.
5. Church, school (except a music, dancing or riding academy) library or museum, hospital, sanitorium (or other medical institution) or a public utility building, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Sections 4 and 4A. In no case, however, shall a public utility building be used for the general garaging or dispatching of automobiles or for the storage of materials for construction or maintenance purposes.
6. Storing or keeping, for more than four hours, of a commercial vehicle within an accessory garage for not more than two cars and which garage, except for storing or keeping of the vehicle in question, would be a private garage.

Section 13-A. Area Regulations

1. Lot Area. In the Residence A districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, stables and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved, so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence for a single family.

2. Building Area. No one-story house shall have a floor area of less than 700 square feet. No house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

Section 13-B. Height and Area Regulations

The height and area regulations in the Residence A district are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE B DISTRICTS

Section 14. Use Regulations

In the Residence B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:
 1. Any use which is permitted in a Residence A district.
 2. Two-family or duplex houses.
 3. Such accessory purposes as are customary or usual in connection with two-family or duplex houses and are incidental thereto, including a private garage for not more than two cars.

Section 14-A. Area Regulations

1. Lot Area. In the Residence B districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence.

2. Building Area. (a) No one-family, one-story house shall have a floor area of less than 700 square feet. No one-family house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

- (b) No duplex house shall have a floor area of less than twice that required for one-family buildings, as stated in the preceding paragraph.
- (c) No two-family house shall have a floor area of less than 700 square feet per family unit, including stairways.

Section 14-B. Height and Area Regulations

The height and area regulations in the Residence B districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE C DISTRICTS

Section 15. Use Regulations

In Residence C districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:
 1. Any use which is permitted in a Residence B district.

Section 15-A. Building Coverage and Court Regulations

1. In the Residence C districts, no building or buildings including garages shall be constructed, altered, enlarged, re-
2. Apartment House
3. Boarding house or lodging house
4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-A. Building Coverage and Court Regulations

1. In the Residence C districts, no building or buildings including garages shall be constructed, altered, enlarged, re-

constructed or moved in such a way as to cover more than 35 per cent of the area of the lot for a building five stories in height, more than 40 per cent for a four-story building, or more than 50 per cent for a building of three stories or less.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 25 feet or two-thirds the average height of the walls surrounding the court, whichever is the greater. In no case shall an outer court have a depth greater than its width unless such width exceeds 50 feet, in which case the maximum depth permitted shall be one and one-half times the width.

Section 15-B. Parking Spaces

In the Residence C districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment, accessible and usable spaces to be available in the ratio of at least 250 square feet of such space (open or covered) for each dwelling unit in each such structure. Said off-street parking spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-C. Height and Area Regulations

The height and area regulations in the Residence C districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto. Single and two-family houses constructed in a Residence C district shall be required to conform to the minimum area and yard requirements of the Residence B districts.

RESIDENCE D DISTRICTS

Section 15-1. Use Regulations

In Residence D districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- Any industry, trade, manufacturing or commercial purpose;
- Any purpose except one or more of the following:

- Any use which is permitted in a Residence A district.
- Apartment House
- Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-2. Building Coverage and Court Regulations

- In the Residence D districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 35 per cent of the area of the lot.
- Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 50 feet. In no case shall an outer court have a depth greater than one and one-half times its width.

Section 15-3. Parking Spaces

In the Residence D districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment, accessible and usable spaces to be available in the ratio of at least 250 square feet of such space (open or covered) for each dwelling unit in each such structure. Said off-street parking spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-4. Height and Area Regulations

The height and area regulations in the Residence D districts are hereby established as follows:

Height 50 feet - four stories	35 feet
Front yard min. depth in feet	25 feet
Side yard min. width in feet	25 feet
Rear yard min. depth in feet	25 feet
Maximum occupancy in per cent	35 per cent

Single family houses constructed in a Residence D district shall be required to conform to the minimum area and yard requirements of the Residence A districts.

Where a building faces one or more streets, each such face shall be considered the front in determining set back requirements.

(As amended by creating this additional district, and adding Sections 15-1 to 15-4, inclusive)

BUSINESS A DISTRICTS

Section 16. Use Regulations

In the Business A districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land may be used for any purpose except one or more of the following:

- (1) Any purpose which is authorized or may be permitted in the Residence C districts
- (2) Restaurant or other eating place
- (3) Store, salesroom, or showroom for the conduct of retail business
- (4) Public or semi-public building
- (5) Barber shop or beauty parlor
- (6) Funeral home
- (7) Office or bank
- (8) Public garage or gasoline filling station, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 or 4A.
- (9) Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

Section 16-A. Building Coverage and Court Regulations

In the Business A districts, all buildings used for residential purposes shall conform to the building coverage and lot regulations as set forth in Section 15-A for a Residence C use or Section 14-A for a Residence A or B use.

Section 16-B. Height and Area Regulations

The height and area regulations in the Business A districts are hereby established as set forth in the "Schedule of

Height and Area Regulation" attached hereto. All buildings in the Business A districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B and C districts.

BUSINESS B DISTRICTS

Section 17. Use Regulations

In the Business B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land may be used for any purpose except one or more of the following:

- (a) Any purpose which is authorized or may be permitted in the Residence C or Business A districts
- (b) Theatre, hall, club, or other organization, dancing academy or other place of amusement or assembly.
- (c) Such industry, trade or light manufacturing as is customary or usual in connection with, or is part of, any of the purposes authorized or permitted under the provisions of this Section and is incidental thereto if such industry, trade, or light manufacturing is carried on in the same building or on the same premises as the business or use with which it is connected, provided, however, that no industry, trade or light manufacturing shall be carried on in a business district which is prohibited or not authorized in the industrial districts, or is dangerous to the neighborhood from fire, explosion or other cause.
- (d) The total floor space which may be used for industry, trade or light manufacturing on any one lot or on adjoining lots if part of the same establishment, shall not exceed a total area of two thousand square feet, unless permission of the Zoning Board of Appeals is obtained in the manner provided in Section 4 and 4A for the use of such additional specified floor space as they shall find is reasonably necessary for the conduct of the business.

Section 17-A. Building Coverage and Court Regulations

In the Business B districts, all buildings used for residential purposes shall conform to the building coverage and court regulations as set forth in Section 15-A for Residence C districts, except that inner courts shall be permitted. The minimum horizontal dimension of such courts shall be 25 feet or

two-thirds the average height of the walls surrounding the court, except in the case of courts which provide light and ventilation only to bathrooms, halls, or other rooms not used for living or sleeping purposes, in which case the provisions of the Building Code only need apply.

Section 17-B. Height and Area Regulations

The height and area regulations in the Business B districts are hereby established as set forth in the "Schedule of Height and Area Regulation" attached hereto. All buildings in the Business B districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B and C districts.

INDUSTRIAL DISTRICTS

Section 18. Use Regulations

In the Industrial districts, buildings or land may be used and buildings may be altered or erected for any legal use except the following:

- (1) Abattoir and commercial slaughtering
- (2) Manufacture of corrosive, poisonous or malodorous acids and chemicals
- (3) Cement, lime, gypsum and plaster of Paris manufacture
- (4) Fertilizer manufacture. Fat rendering in manufacture of tallow, grease and oils
- (5) Glue, size and gelatin manufacture
- (6) Petroleum and Kerosene refining or distillation and derivation of by-products
- (7) Manufacture of explosives and the stores of explosives in bulk
- (8) Smelting and reduction of copper, tin, zinc and iron ores
- (9) Similar uses which are dangerous by reason of fire or explosion, or injurious noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke wastes, refuse matter, noise, vibrations or because of any other objectionable feature.

- (10) A residence use for more than one family in a building used for an industrial purpose.
- (11) A yard for the storage or sale of used building or junk material

Section 18-A. Building Coverage and Court Regulations

In the Industrial districts, all buildings used for residential purposes shall conform to the building coverage and court regulations set forth in Section 17-A for Business B districts.

Section 18-B. Height and Area Regulations

The height and area regulations in the Industrial districts are hereby established as set forth in the "Schedule of Area Regulations" attached hereto. All buildings in the Industrial districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B districts.

EXCEPTIONS

Section 19. Height Exceptions

The height limitations as set forth in the foregoing schedule shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes.

Section 20. Lot Area and Width Exceptions

Minimum lot area and width requirements in Residence districts as set forth in Sections 13-A and 14-A, shall not apply to lots which prior to the passage of this by-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 feet 6 inches or 15 per cent of the lot width, whichever is the greater.

Section 21. Yard Exceptions

1. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet, and unenclosed steps, unroofed porches and the like, which do not project more than 10 feet in the front yard and five feet in the side yard beyond the

line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

2. In the Residence A and B districts, no building need be set back from the street line more than the average of the set backs of the buildings on the lots adjacent thereto on either side, a vacant lot or a lot occupied by a building set back more than 25 feet in Residence A district or more than 20 feet in a Residence B district being counted as though occupied by a building set back 25 feet and 20 feet respectively; but in no case shall any part of a building in a Residence A or B district be less than 10 feet from any street line.

3. In the Business districts, a rear yard shall not be required in the case of an interior lot running through a block from street to street when improved by a single principal building.

VALIDITY AND EFFECTIVENESS

Section 22. Validity

The invalidity of any section, paragraph or provision of this by-law, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provision of this by-law, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.

Section 23. Existing By-Laws Not Repealed

Nothing contained in this by-law shall be construed as repealing or modifying any existing by-law or regulation of the Town, but shall be in addition thereto, provided that, wherever this by-law imposes greater restrictions upon the construction or use of buildings than other by-laws or provisions of law, such greater restrictions shall prevail.

Section 24. When Effective

This by-law shall take effect upon acceptance by the Town and its approval by the Attorney General and publication according to law.

TO

DISTRICT DESIGNATION	HEIGHT LIMITATION		YARD SPACES REQUIRED	MINIM
	FEET	STORIES		
RESIDENCE—A	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	See: Sections 20 &
RESIDENCE—B	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	Note: These front yards of 25 feet and 20 feet to also apply to.
RESIDENCE—C	60	5	A—Front Yard B—Two Side Yards C—Rear Yard	WHEN A LOT THAN FOR THEN THE BE GOVERNED SET UP FOR EXCEPT IN THE OWN DISTRICT BY THE REQUIREMENT OF DISTANCES BETWEEN SAME LOT.
BUSINESS—A	30	2	A—Rear Yard	NO BUILDING SHALL BE LESS ANY OTHER DENCE A, B, ALL OTHER THAN 10 FEET APPLY TO PLOT SUCH REGULATIONS NO. 12A.
BUSINESS—B	60	5	A—Rear Yard	
INDUSTRIAL	60	5	A—Front Yard B—Two Side Yards C—Rear Yard	

Note: For Exceptions See Section 19

TOWN OF ARLINGTON, MASSACHUSETTS
ZONING BY-LAW (as amended to December 1, 1950)
SCHEDULE OF HEIGHTS AND AREA REGULATIONS

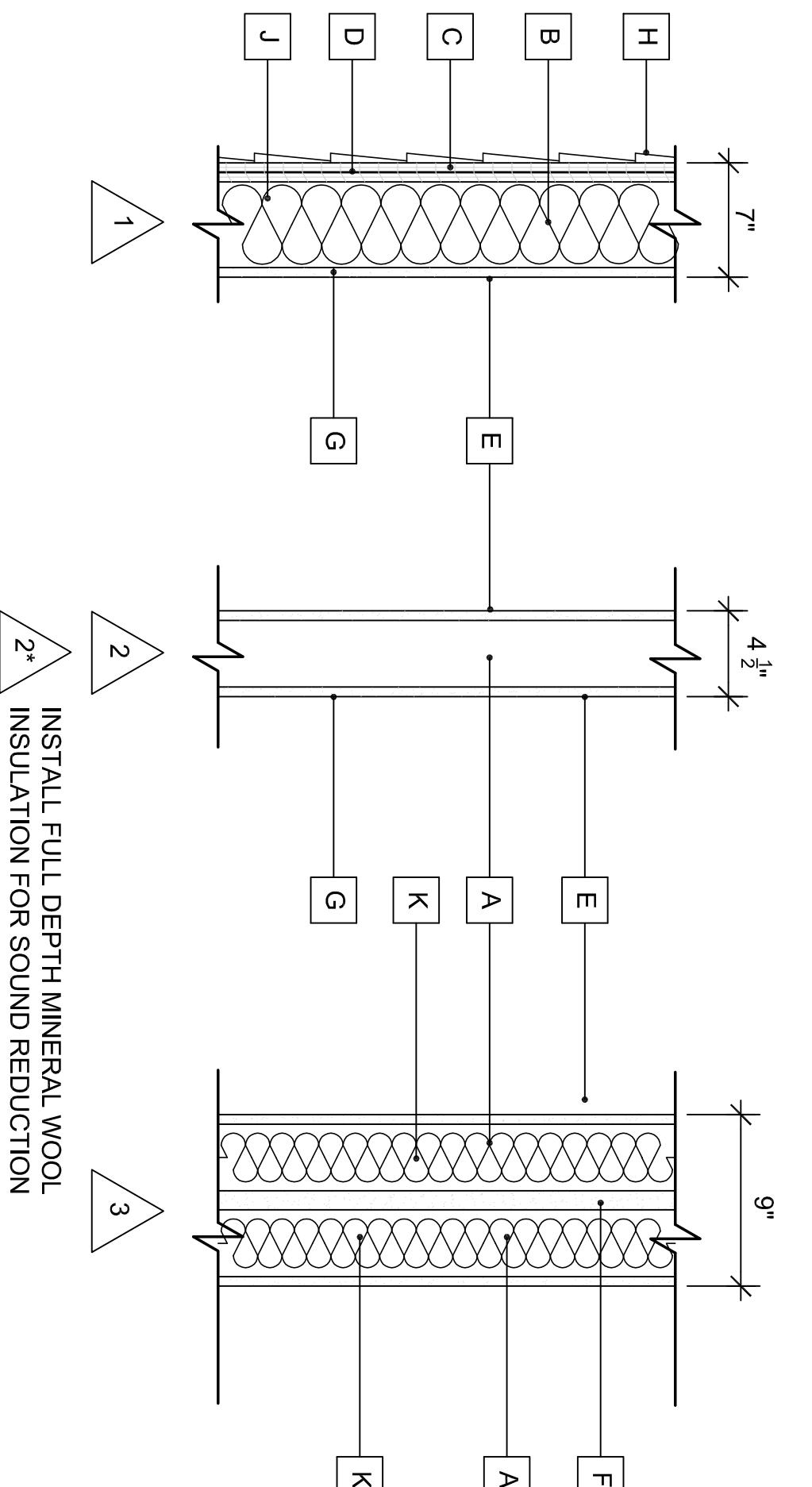
AREA REGULATIONS						SIZE OF LOT			
HEIGHT LIMITATION	YARD SPACES REQUIRED	FRONT YARD MINIMUM DEPTH IN FEET	SIDE YARD MINIMUM WIDTH IN FEET	REAR YARD MINIMUM DEPTH IN FEET	BUILDING AREAS AND COURT REGULATIONS	MINIMUM FRONTAGE WIDTH IN FEET	MAXIMUM LOT OCCUPANCY IN PER CENT	MINIMUM AREA IN SQUARE FEET	
-A 40	2 1/2 A—Front Yard B—Two Side Yards C—Rear Yard	See: Sections 20 & 21 For Exceptions Note: These front yard set back requirements of 25 feet for residence A and 20 feet for Residence B & Districts also apply to garages.	25	Two required 10 ft. each except to lots which prior to the passage of this by-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than $\frac{1}{3}$ of the lot width, whichever is the greater. But the rear yard depth shall be no less than $\frac{1}{2}$ the front yard depth.	20 But in no case less than $\frac{1}{2}$ the height of building	Section 13A—2	35	60	
-B 40	2 1/2 A—Front Yard B—Two Side Yards C—Rear Yard		20		20 14A—2, a & b	Section 14A—2	35	60	
-C 60	5 A—Front Yard B—Two Side Yards C—Rear Yard	NOTE: WHEN A HIGHER USE IS PUT TO A LOT THAN THE DISTRICT CALLS FOR THEN THE HIGHER USE MUST BE GOVERNED BY THE REGULATIONS SET UP FOR THAT HIGHER USE EXCEPT IN THE CASE OF A RESIDENCE DISTRICT USE IN OTHER THAN ITS OWN DISTRICT WILL BE REGULATED BY THE REQUIREMENTS OF THE RESIDENCE B DISTRICT.	15	Two required 10 ft. each. In no case less than $\frac{1}{4}$ the height of building.	15 But in no case less than $\frac{1}{2}$ the height of building	Section 15A—1 & 2	35 for 5 Stories 40 for 4 Stories 50 for 3 Stories	6000	
-A 30	2 A—Rear Yard			None Required	10 Except as for Section 21-3	Section 16A	All districts have other regulations, therefore it is essential to check the entire by-law for a full understanding of its requirements.		
-B 60	5 A—Rear Yard			None Required	10 Except as for Section 21-3	Section 17A	THIS BY-LAW ACCEPTED BY THE TOWN OF ARLINGTON MASSACHUSETTS MARCH 1946		
-C 60	5 A—Front Yard B—Two Side Yards C—Rear Yard			10 * Two Required 10 ft. Each	10 * Except as for Section 21-3	Section 18A			

* Not required where abutting railroad track or railroad right of way.



NOTE: This schedule covers Height and Area Regulations and is made part of the Zoning By-Law.

Note: For Exceptions See Section 19



WALL TYPES LEGEND

NOT TO SCALE

DOOR AND WINDOW SCHEDULE

- (A) NEW 3'-0" x 6'-8" x 1 3/4" THERMA-TRU STEEL ENTRY DOOR #PS-255 WITH ENTRANCE LOCKSET
- (B) NEW 3'-0" x 6'-8" x 1 3/4" THERMA-TRU STEEL ENTRY DOOR #CS-128 LLE WITH ENTRANCE LOCKSET
- (C) NEW 3'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE CLOSET LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (D) NEW 2'-8" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE BEDROOM LOCKSET AT BEDROOMS, PASSAGE LOCKSET AT CELLAR DOOR, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (E) NEW 2'-6" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE BATHROOM LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (F) NEW 2'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (G) NEW 4'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (H) NEW 6'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
- (J) NEW 2'-6" x 4'-9" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2446, SILL HEIGHT @ 28" A.F. LOW-E GLASS, ARGON FILLED, WHITE, 6'6", WITH HALF SCREEN, THIS WINDOW CONFORMS WITH 2015 IRC SECTION R310.2 (SEE MASSACHUSETTS AMENDMENT SECTION R310.2.1 - EXCEPTION 2) EMERGENCY ESCAPE WINDOW REQUIREMENTS.
- (L) NEW 2'-2-6" x 4'-9" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2446-2, SILL HEIGHT @ 28" A.F. LOW-E GLASS, ARGON FILLED, WHITE, 6'6", WITH HALF SCREEN, THIS WINDOW CONFORMS WITH 2015IRC SECTION R310.2 (SEE MASSACHUSETTS AMENDMENT SECTION R310.2.1 - EXCEPTION 2) EMERGENCY ESCAPE WINDOW REQUIREMENTS.
- (M) NEW 2'-6" x 3'-5" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2432, SILL HEIGHT @ 44" A.F. LOW-E GLASS, ARGON FILLED, WHITE, 6'6", WITH HALF SCREEN, SAFETY GLAZING AT ATTIC BATHROOM WINDOW.
- (N) NEW 4'-1" x 1'-2" TRUSTGARD INSULATED TRANSOM VINYL WINDOW #4010TR FIELD COORDINATE EXACT LOCATION, WHITE.

GENERAL NOTES

BOTH SIDES OF THIS STRUCTURE ARE TO BE SIMILAR. ALL DIMENSIONS, WALL TYPES, AND NOTES SHOWN ON ONE SIDE ALSO APPLY TO THE OTHER.

CONTRACTOR IS TO REMOVE ALL DEMOLITION AND CONSTRUCTION DEBRIS FROM THE SITE.

ALL FINISHES, (PAINTS, TRIMS, FLOORING, CABINETRY, BUILT-INS, KITCHEN EQUIPMENT, AND PLUMBING FIXTURES) ARE TO BE DETERMINED BY THE OWNER.

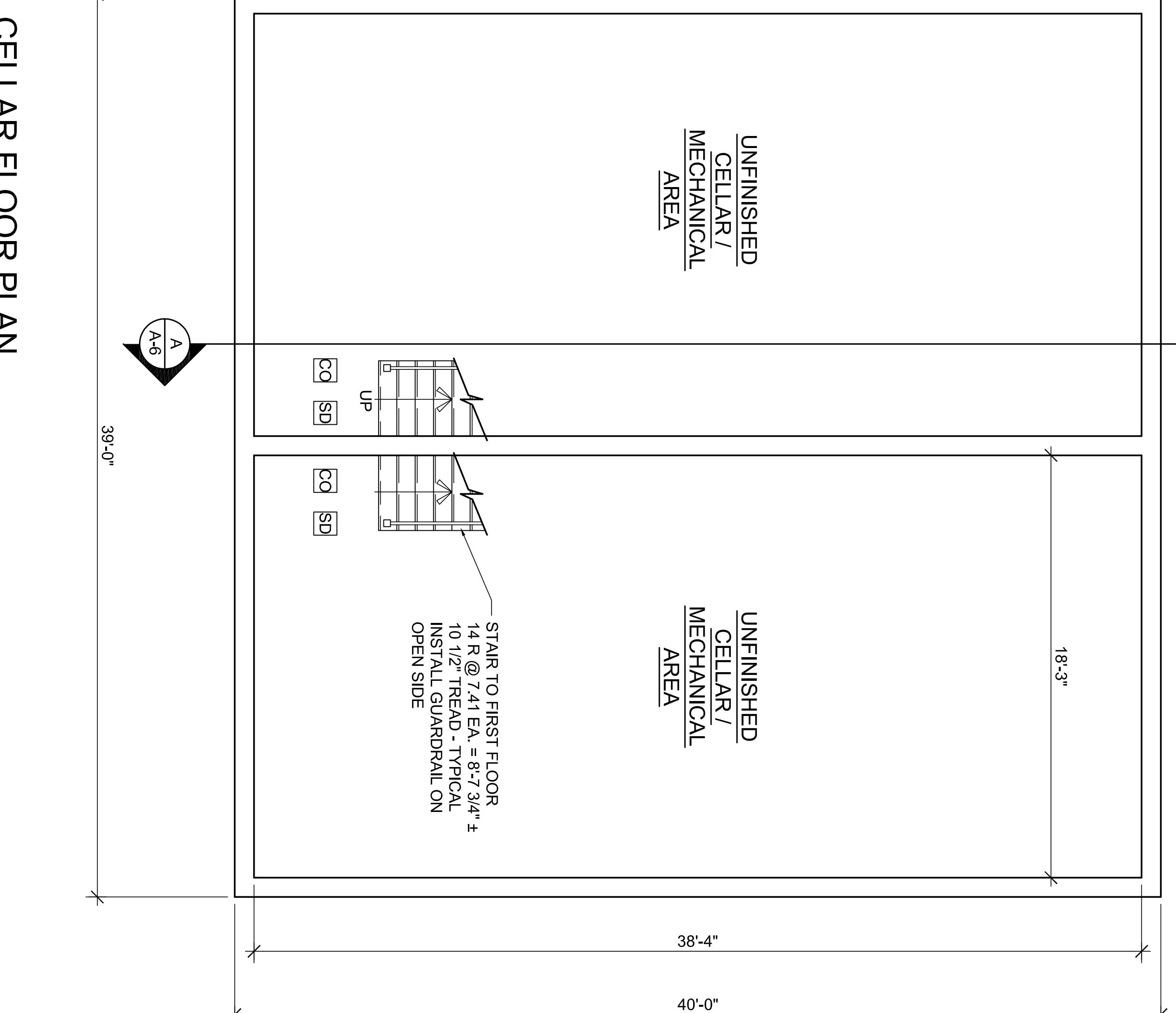
G.C. IS RESPONSIBLE FOR ALL PLUMBING, ELECTRICAL, HVAC WORK, AND VENTILATION TO CODE

FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF ANY WORK.

ALL WORK TO CONFORM TO ALL STATE CODES AND LOCAL ZONING ORDINANCES

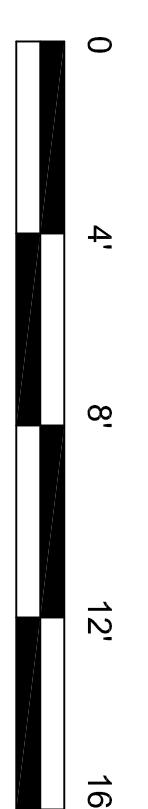
LIFE SAFETY LEGEND

- CARBON MONOXIDE ALARM
- PHOTOELECTRIC SMOKE DETECTOR



CELLAR FLOOR PLAN

SCALE: 1/4" = 1'-0"



A-6
39'-0"

0
4'
8'
12'
16'

38'-4"
40'-0"

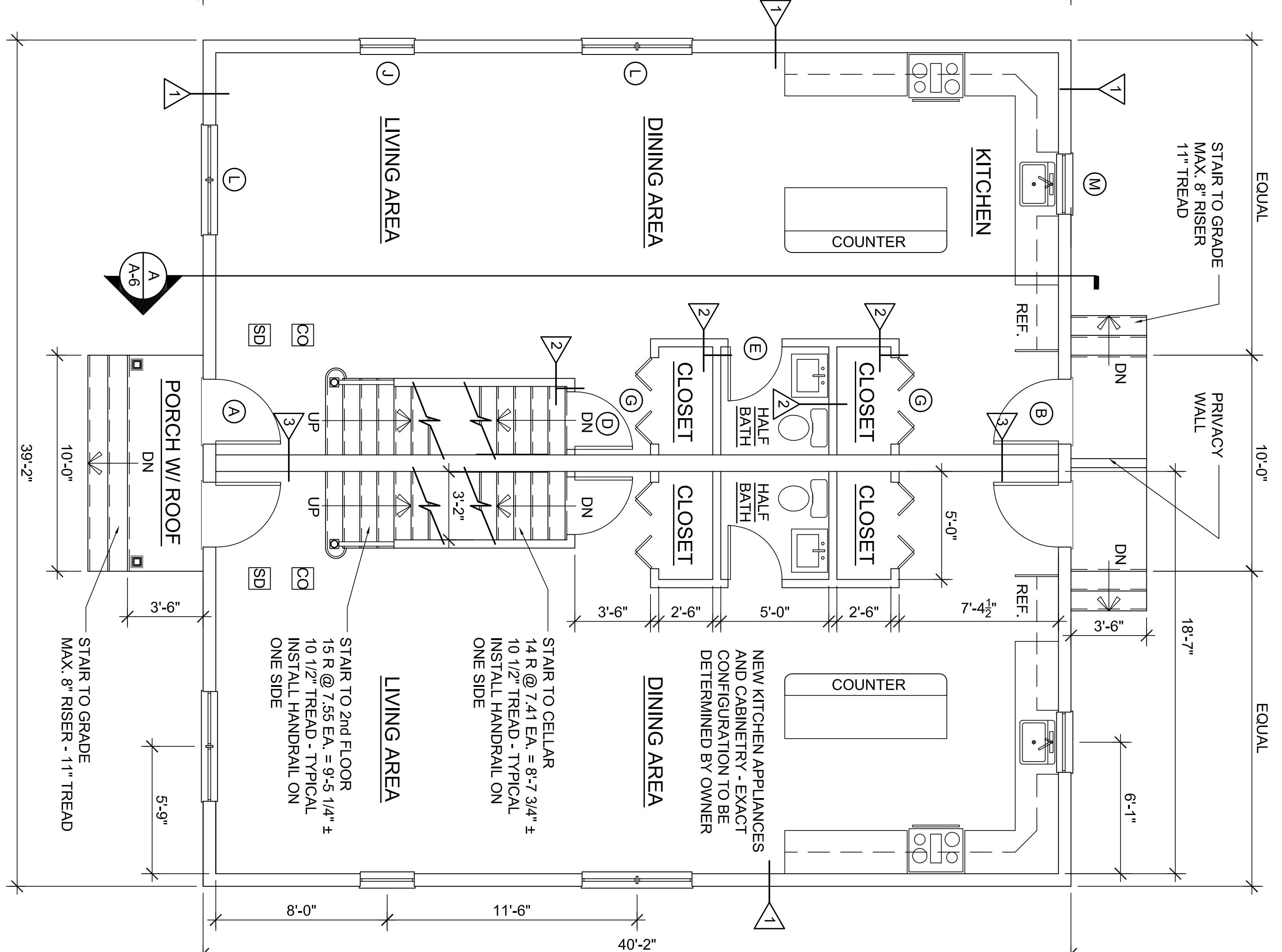
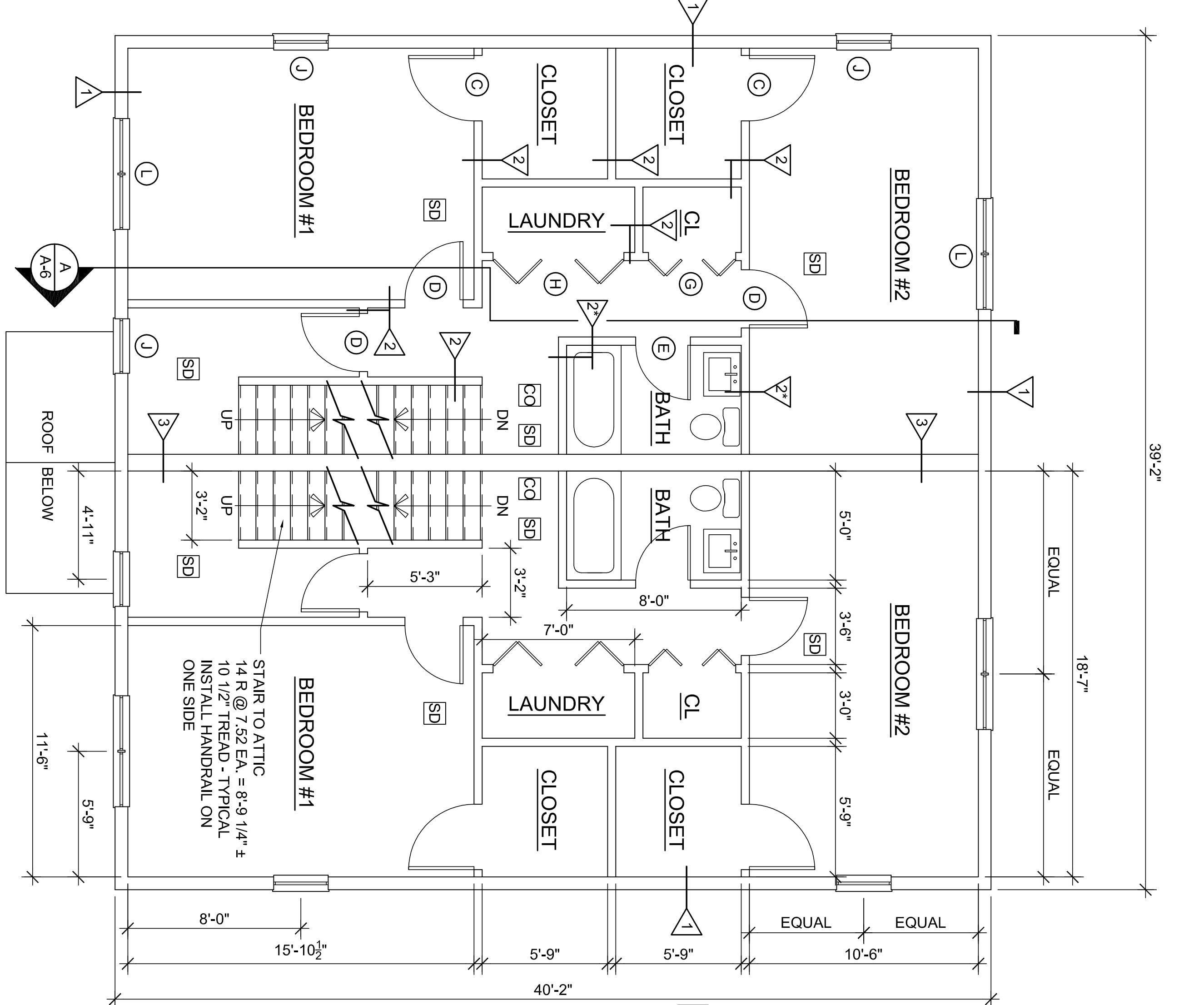
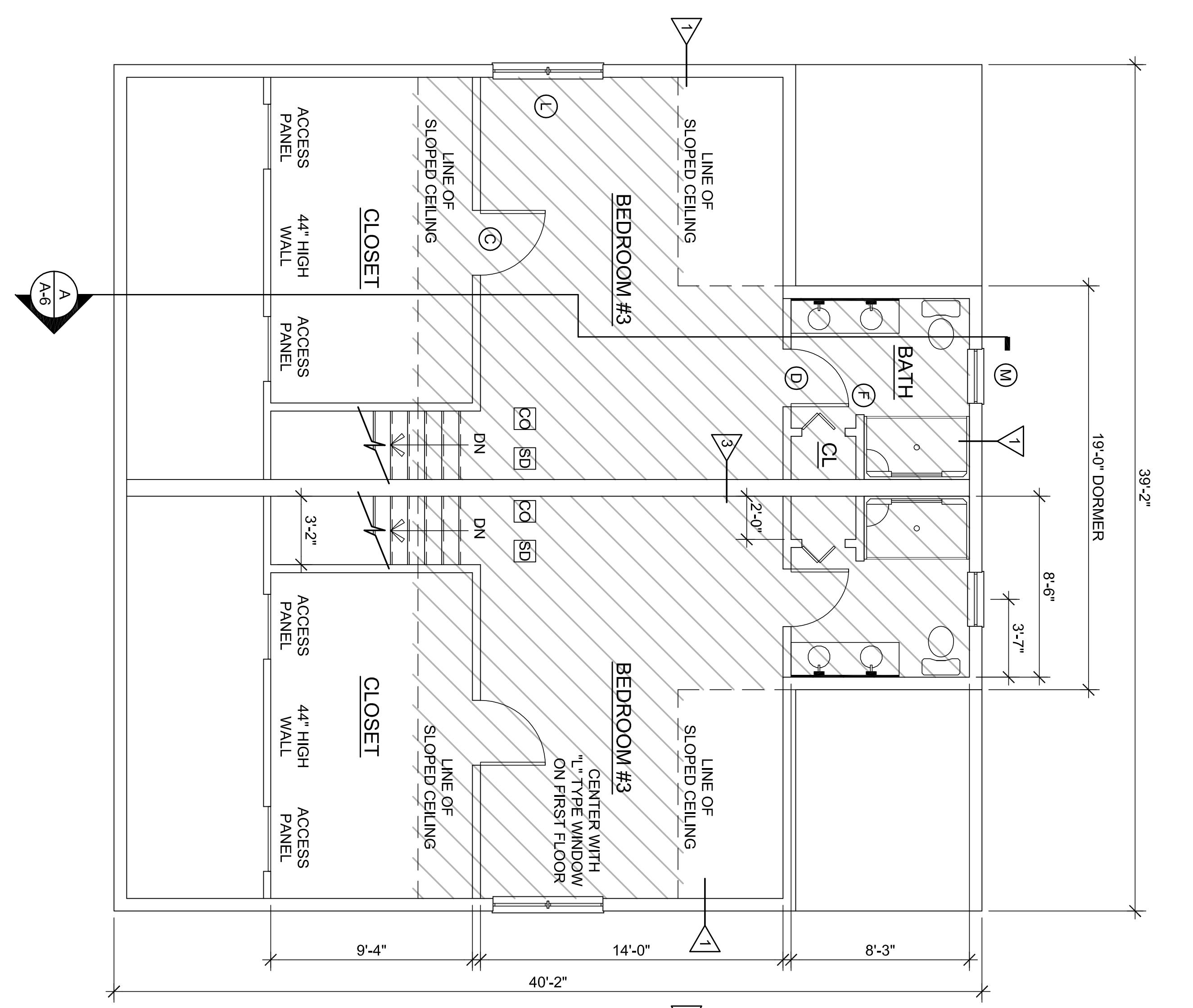
PROJECT:	
PROPOSED RESIDENCE 83 PALMER STREET ARLINGTON, MA	SHEET: A-1

DATE:
11/22/21

SCALE:
AS NOTED

DRAWN BY:

A-1



ATTIC FLOOR PLAN (HALF STORY)

SCALE 1/4" = 1'-0

FLOOR AREA UNDER EXISTING ROOF = 1,572 SQUARE FEET
PROPOSED FLOOR AREA WITH CEILING 7'-3" OR HIGHER = 694 SQUARE FEET
AREA WITH CEILING 7'-3" OR HIGHER (HATCHED) = 44.1%

**PROPOSED ATTIC CONFORMS WITH THE "DEFINITION OF HALF STORY"
PER ARTICLE 2 OF THE TOWN OF ARLINGTON ZONING BYLAWS**

		<u>PROJECT:</u>
		PROPOSED RESIDENCE
		83 PALMER STREET
		ARLINGTON, MA
<u>DATE:</u>	11/2/21	
<u>SCALE:</u>	AS NOTED	
<u>DRAWN BY:</u>	A-2	
<u>REV.</u>	1	REVISIONS PER OWNER'S DIRECTION
<u>DATE</u>	<u>DESCRIPTION</u>	

ROOF RIDGE
33'-0" ± ABOVE AVERAGE GRADE

NON-ACCESSIBLE SHED DORMER
ARCHITECTURAL ASPHALT
ROOF SHINGLES COLOR TO
BE DETERMINED BY THE OWNER

WOOD RAKE BOARD
WOOD FASCIA

ATTIC (HALF STORY) FLOOR
VINYL SIDING - COLOR AND STYLE
TO BE DETERMINED BY THE OWNER

WINDOW/ DOOR TRIM STYLE
TO BE DETERMINED BY THE OWNER
PORCH FINISH MATERIALS
TO BE DETERMINED BY THE OWNER

SECOND FLOOR

FIRST FLOOR

FINISHED GRADE
FINISHED GRADE

SCHEMATIC LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



ROOF RIDGE
33'-0" ± ABOVE AVERAGE GRADE

ARCHITECTURAL ASPHALT
ROOF SHINGLES COLOR TO
BE DETERMINED BY THE OWNER

WOOD RAKE BOARD

WOOD FASCIA

ATTIC (HALF STORY) FLOOR

VINYL SHUTTER - COLOR AND STYLE
TO BE DETERMINED BY THE OWNER

WINDOW/ DOOR TRIM STYLE
TO BE DETERMINED BY THE OWNER

SECOND FLOOR

VINYL SIDING - COLOR AND STYLE
TO BE DETERMINED BY THE OWNER
DECK FINISH MATERIALS
TO BE DETERMINED BY THE OWNER

FIRST FLOOR

SCHEMATIC REAR ELEVATION

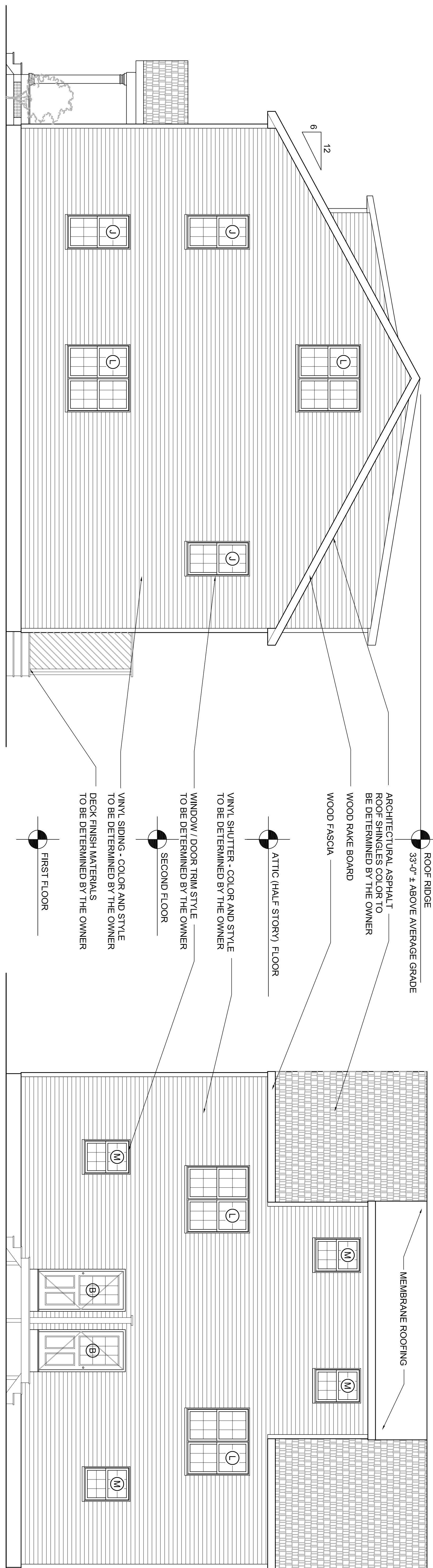
SCALE: 1/4" = 1'-0"



MEMBRANE ROOFING

SCHEMATIC FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SCHEMATIC RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



PROJECT: PROPOSED RESIDENCE

83 PALMER STREET
ARLINGTON, MA

DATE:

11/2/21

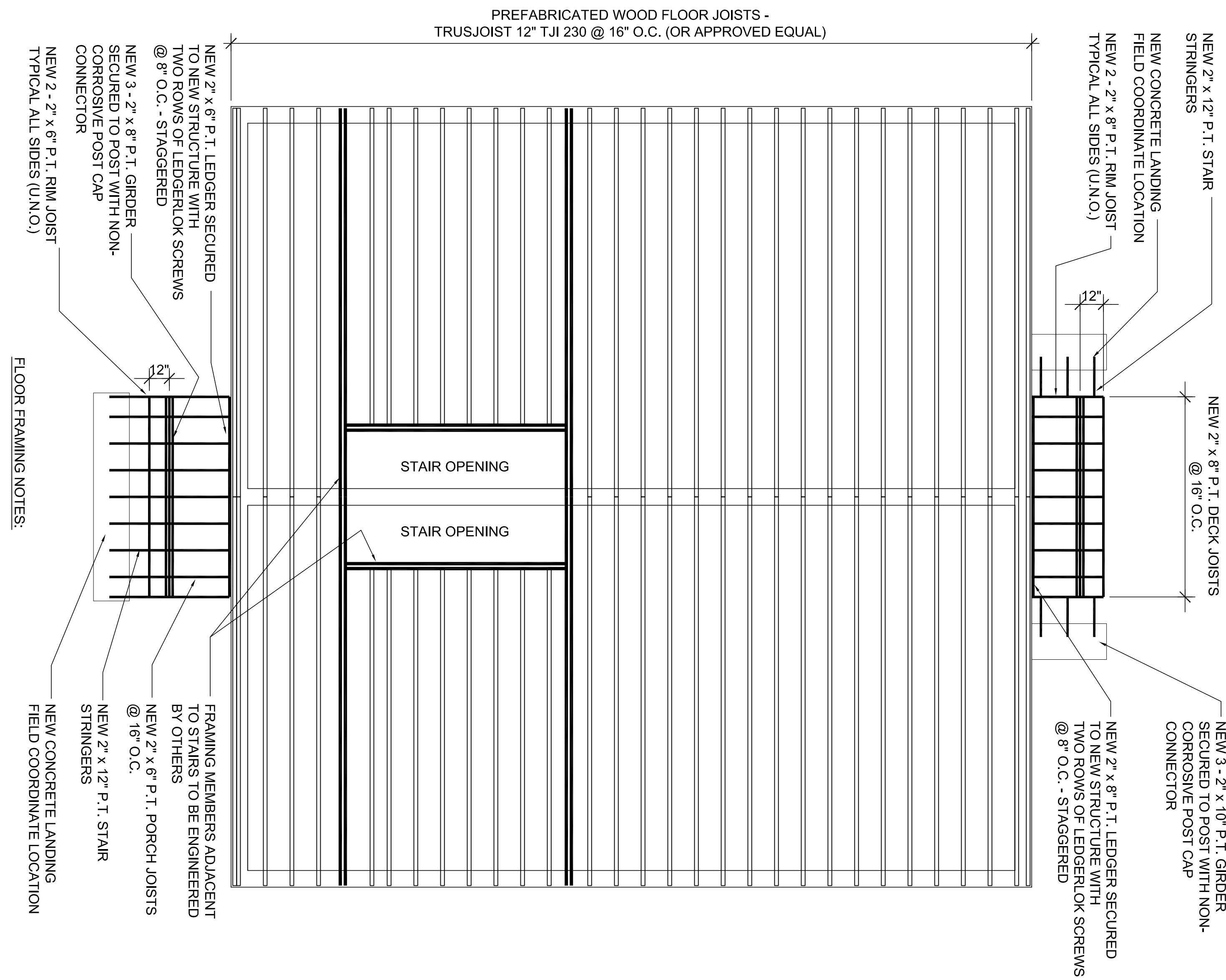
SHEET:

A-3

SCALE:
AS NOTED

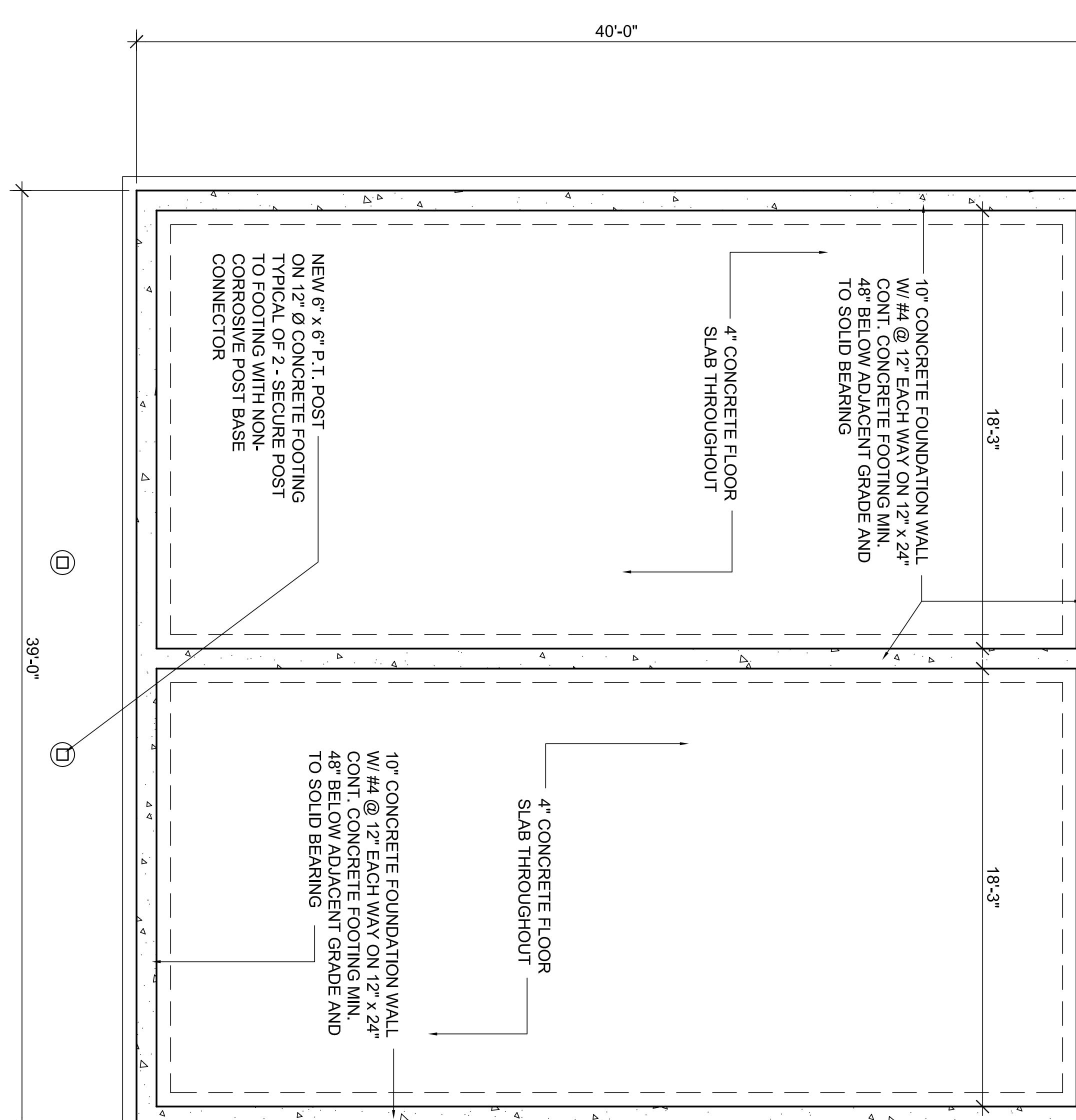
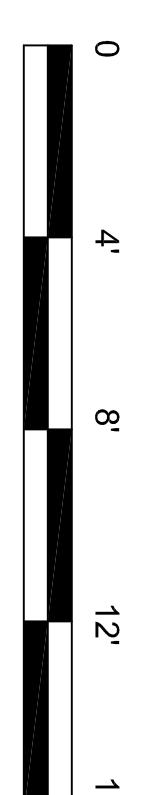
DRAWN BY:
REV. DATE:
DESCRIPTION:

SCHEMATIC FIRST FLOOR FRAMING PLAN



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

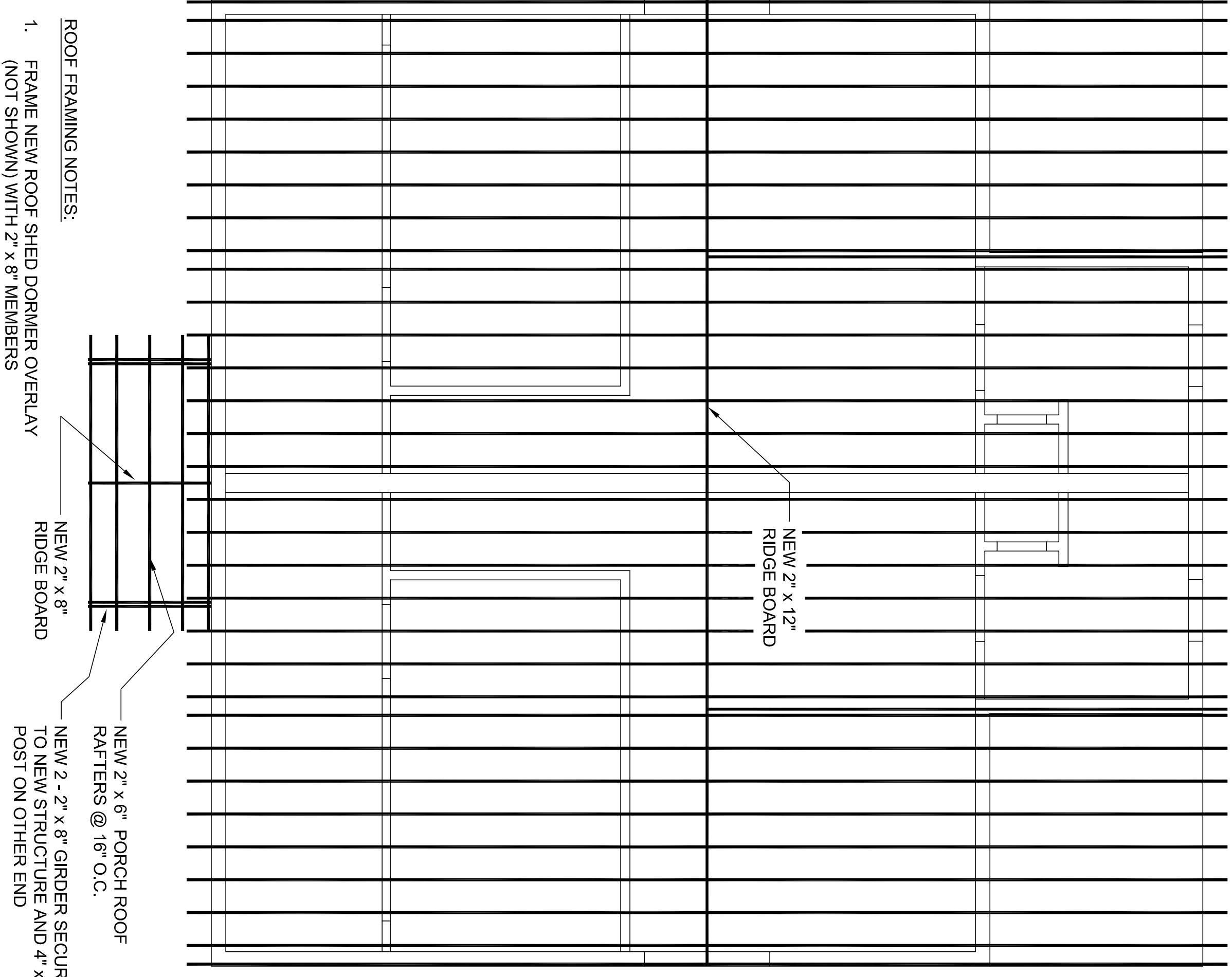


PROJECT:	DATE:	SHEET:
PROPOSED RESIDENCE 83 PALMER STREET ARLINGTON, MA	1/1/21	A-4
	SCALE: AS NOTED	DRAWN BY:
1 11/22/21	REVISIONS PER OWNER'S DIRECTION	DESCRIPTION
REV.	DATE	

NEW 2" x 12" ROOF RAFTERS @ 16" O.C.
(SPRUCE-PINE-FIR SS OR APPROVED EQUAL)

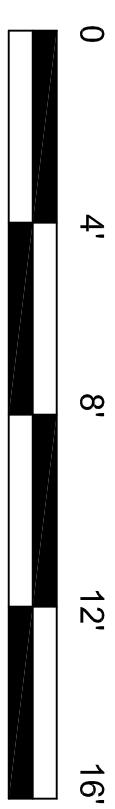
COORDINATE FLOOR JOIST
LOCATION WITH WALL
ABOVE

NEW 2" x 12"
RIDGE BOARD



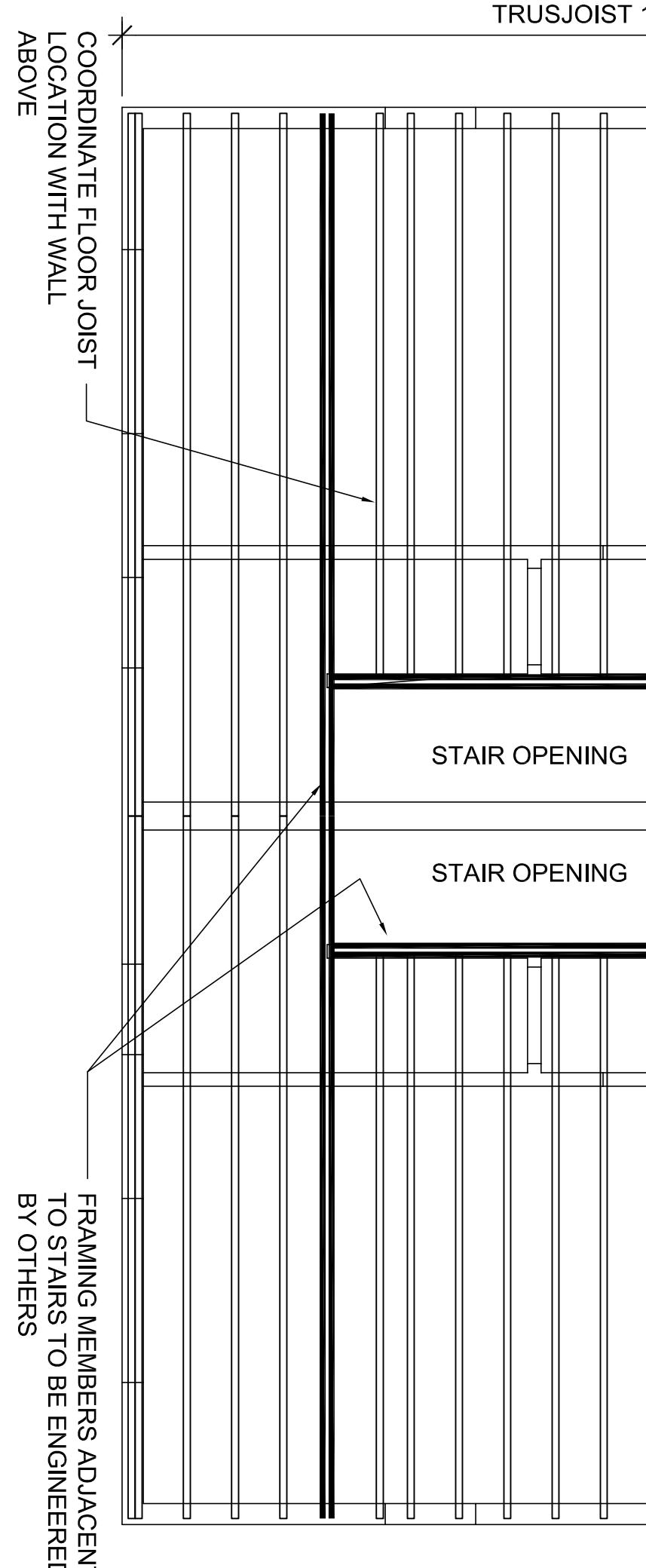
SCHEMATIC ROOF FRAMING PLAN

SCALE: 1/4" = 1'-0"



SCHEMATIC ATTIC (HALF STORY) FLOOR FRAMING PLAN

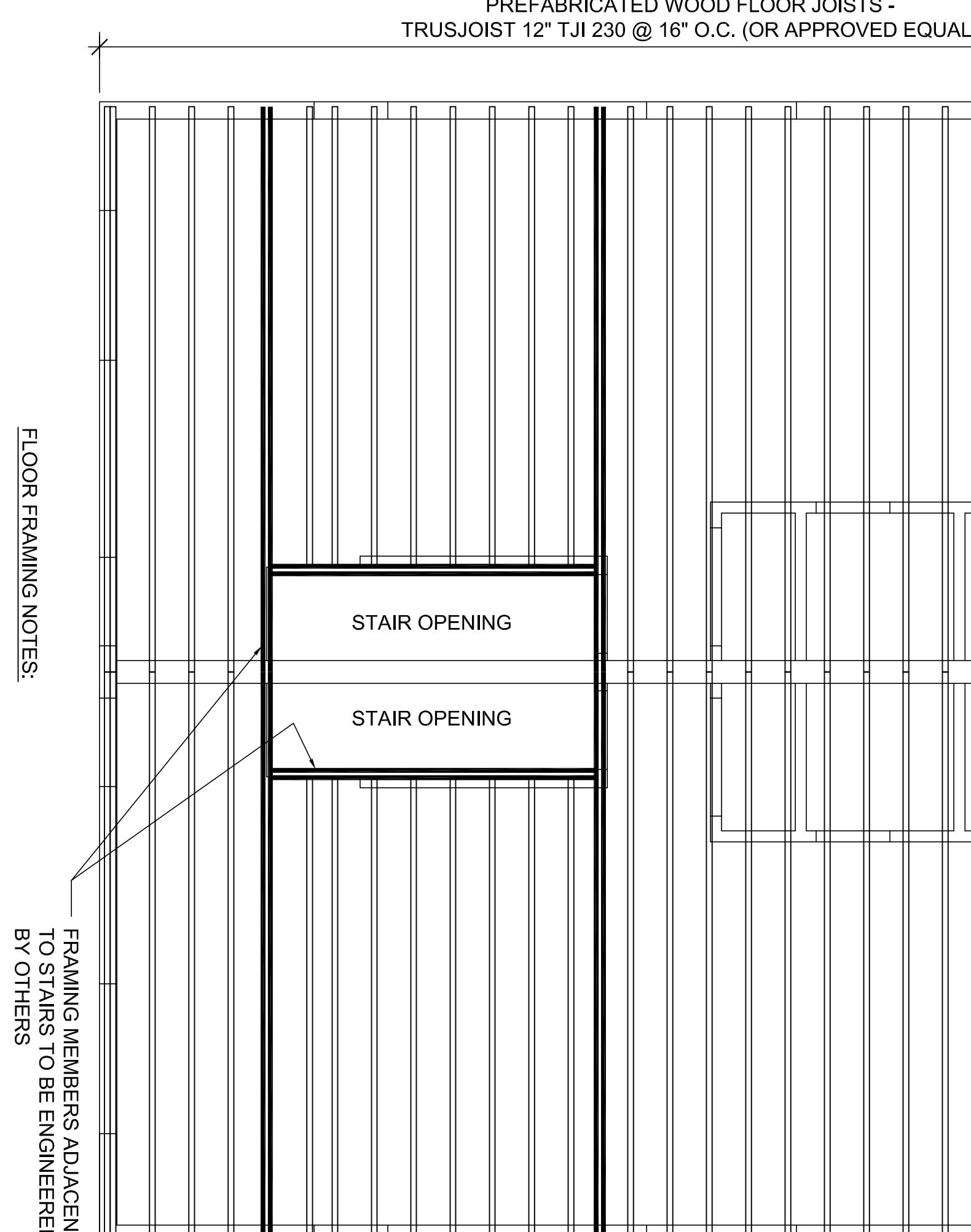
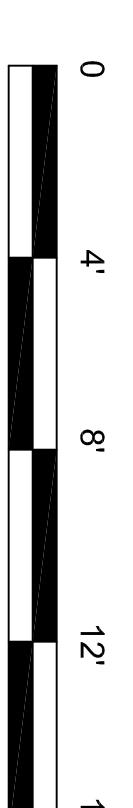
SCALE: 1/4" = 1'-0"



PREFABRICATED WOOD FLOOR JOISTS -
TRUSJOIST 12" TJI 230 @ 16" O.C. (OR APPROVED EQUAL)

SCHEMATIC SECOND FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



PREFABRICATED WOOD FLOOR JOISTS -
TRUSJOIST 12" TJI 230 @ 16" O.C. (OR APPROVED EQUAL)

70-01-132

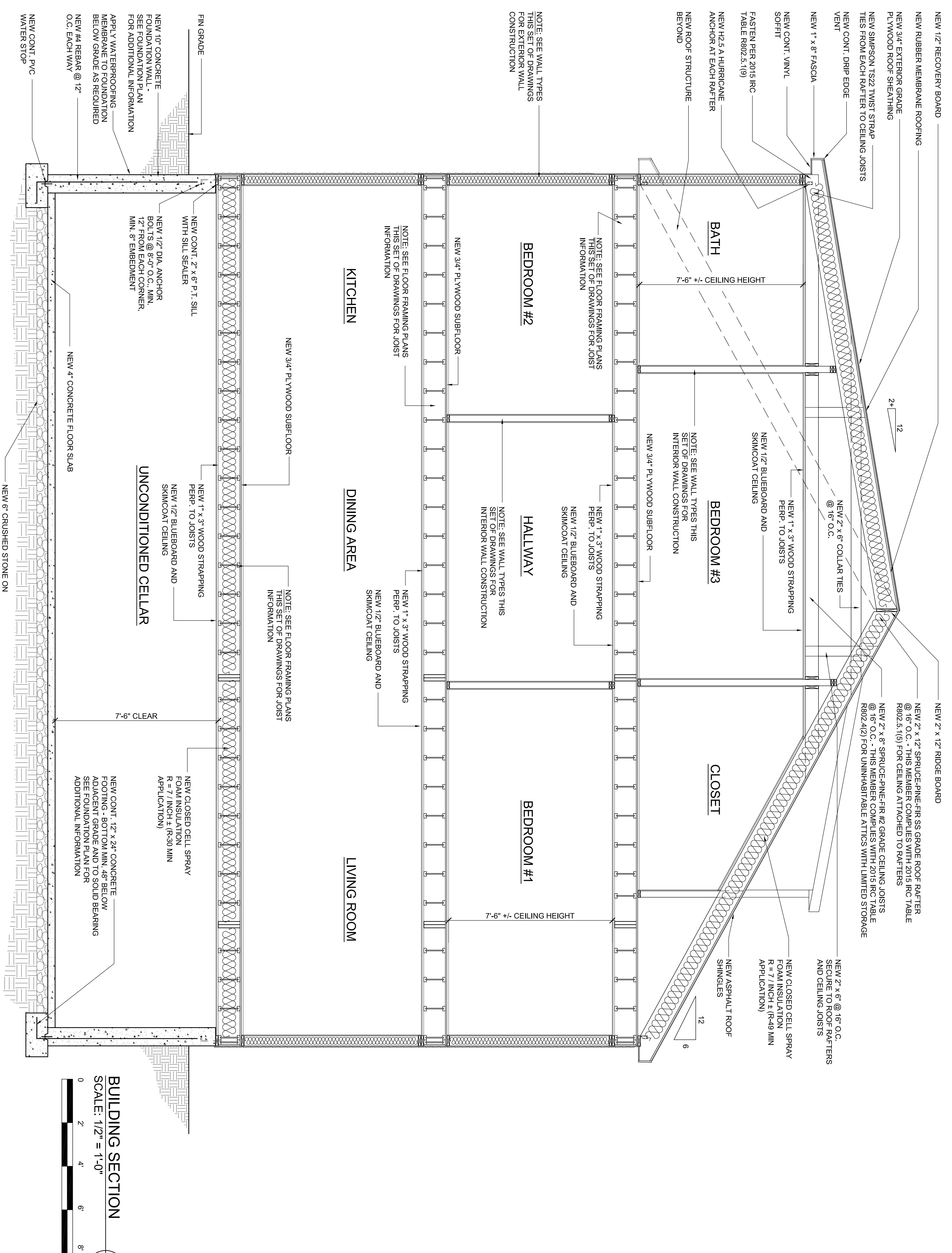
SCALE: 1/4" = 1'-0"

1. 11/2/21
REVISIONS PER OWNER'S DIRECTION
REV.
DATE
DESCRIPTION

PROJECT:
**PROPOSED RESIDENCE
83 PALMER STREET
ARLINGTON, MA**

DATE:
11/2/21
SCALE:
AS NOTED
DRAWN BY:

SHEET:
A-5



PROJECT:
PROPOSED RESIDENCE
83 PALMER STREET
ARLINGTON, MA

DATE:
11/2/21
SCALE:
AS NOTED
DRAWN BY:

A-6

REV.	DATE	DESCRIPTION
1	11/22/21	REVISIONS PER OWNER'S DIRECTION

N/F
 CHRISTINE MALOY &
 WENDY HORI
 BK. 50961 PG 502
 PART OF LOT 9 - PLAN NO. 490 OF 1955
 NO. 12 BEACON STREET

N/F
 WILLIAM F. AND RUTH BLAKE
 BK. 13321 PG 535
 LOTA - PLAN NO. 1542 OF 1955
 NO. 87-89 PALMER STREET

LAND COURT PLANNING NO. 40217-A

N/F
 TERESA M. VAUGHAN, TRUSTEE OF THE
 TERESA M. VAUGHAN REVOCABLE LIVING
 TRUST
 BK. 72060 PG 144
 LOT 2 - END OF BOOK 4687
 NO. 93 WARREN STREET

PROPOSED LANDSCAPE
 BUFFER
 (TWELVE (12) ABORVITAE
 SPACED 4' O.C. IN MULCH BED)

PROPOSED
 DRIVEWAY

LOT AREA = 5512 SF (SURV)

USABLE OPEN SPACE
 (REQ: 1399.2 SF PROV: 1478 SF)

60.08'

39'
 PROPOSED TWO FAMILY
 DUPLEX STYLE DWELLING
 WITH SURFACE PARKING

10.5'

10.6'

N 36°29'21" W 89.98'

9.0'

136.0'

2 PARKING
 SPACES

7.5'

9.0'

EXIST. 2 STORY
 NO 83

2B.2'

LANDSCAPED
 OPEN SPACE
 369 SF

20.0'

LANDSCAPED
 OPEN SPACE
 383 SF

12'

12'

9.0'

9.0'

N 54°44'04" E 60.14'

PALMER (PUBLIC - 40.00' WIDE) STREET

PROPOSED LANDSCAPE
 BUFFER
 (TWELVE (12) ABORVITAE
 SPACED 4' O.C. IN MULCH BED)

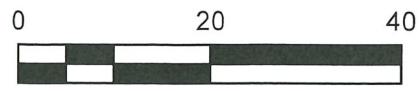
N/F
 97-99 WARREN STREET CONDOMINIUM
 BK. 60332 PG 531
 LOTA - PLAN BOOK 305 PLAN 19
 NO. 97-99 WARREN STREET

PROPOSED
 DRIVEWAY

92.87'

SB/DH FND

PLOT PLAN AND
 LANDSCAPE PLAN
 IN
 ARLINGTON, MA
 83 PALMER STREET



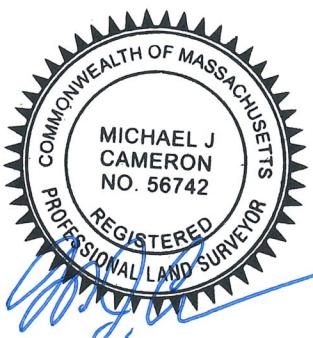
SCALE: 1" - 20'-0"

NOVEMBER 2, 2021

D & A SURVEY ASSOCIATES, INC.
 P.O. BOX 621 MEDFORD, MA 02155
 (781) 324 - 9566
 72 of 132

NOTES:

- 1.) This plan was prepared from an instrument survey
- 2.) Record owners: Masoud & Deborah A. Ghofrani
- 3.) Deed Reference: Book 24538 Page 152
- 4.) Plan Reference: Plan No. 490 of 1955
- 4.) Zoning District: R2



WARREN STREET



Town of Arlington, Massachusetts

Docket # 3676: 16-18 Swan Place

ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	ZBA_Package_16-18_Swan_Place.pdf	ZBA Package, 16-18 Swan Place
❑ Memorandum	3676_16-18_Swan_Place.pdf	DPCD Memo re: 3676 16-18 Swan Place



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by **Charles Ben Potter** of Arlington, Massachusetts on October 10, 2021, a petition seeking permission to alter his property located at **16-18 Swan Place - Block Plan 011.0-0004-0024.0** Said petition would require a Special Permit and a Variance under **Section 6.1.10** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening November 23, 2021 at 7:30 P.M or as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:**
<https://town-arlington-ma-us.zoom.us/meeting/register/tZMkd-murTssGdFShvZ8W9NJD8593-JnRDPd>
for documentation relating to this petition, visit the ZBA website at www.arlington.gov/zba.

DOCKET NO 3676

Zoning Board of Appeals
Christian Klein, RA, Chair

Please direct any questions to: **ZBA@town.arlington.ma.us**

REQUEST FOR SPECIAL PERMIT

TOWN OF ARLINGTON

In the matter of the Application of Charles Ben Potter
to the Zoning Board of Appeals for the Town of Arlington:

Application for a Special Permit is herewith made, in accordance with Section 3.3 of the Zoning Bylaw of the Town of Arlington, Massachusetts, seeking relief from the following specific provisions of the Zoning Bylaw, and as described fully in the attached form, *Special Permit Criteria*:

Two single car driveways in the front of the two family duplex at 16-18 Swan Place.

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at 16-18 Swan Place with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The applicant expressly agrees to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicant represents that the grounds for the relief sought are as follows:

Asking for permit for two single car driveways.
One for each side of duplex style two family.

E-Mail: Benajah_25@hotmail.com Signed:  Date: 9/15/21
Telephone: 617-955-6378 Address: 16-18 Swan Place Arlington MA
02476

RECEIVED

SEP 15 2021

INSPECTIONAL
SERVICES

Special Permit Criteria: Per Section 3.3.3 of the Zoning Bylaw, a Special Permit shall only be granted upon the Board's determination that the benefits of the proposed project will outweigh its adverse effects. The responses provided below will inform the Board as to whether the standards for approval have been met.

- A). Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw.

- B). Explain why the *requested use is essential or desirable to the public convenience or welfare.*

This use will take two vehicles off of the street.
Specifically helpful during snow emergencies.

- C). Explain why *the requested use will not create undue traffic congestion; or unduly impair pedestrian safety.*

This use will take cars off of the street.

- D). Explain why *the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

The grass on the front yard will remain. no added load on sewer.

E). Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.

The curb cut will be limited to less than 20 feet.

F). Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

Both adjoining properties have multi car off street parking.

G). Explain why the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

All houses in the neighborhood have multi car off street parking. This will take cars off the street day and night and during snow emergencies.

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For Applications to the Zoning Board of Appeals

1. Property Location: 16-18 Swan Place Zoning District: _____

2. Present Use/Occupancy: Two Family No. of dwelling units 2

3. Existing Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
3496 Sq. Ft.

4. Proposed Use/Occupancy: Two Family No. of dwelling units 2

5. Proposed Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
3496 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (Sq. Ft.)	<u>5374</u>		min.
7. Frontage (Ft.)	<u>53.00'</u>		min.
8. Floor area ratio			max.
9. Lot Coverage (%)	<u>28.42%</u>		max
10. Lot Area per Dwelling Unit (Sq. Ft.)			min.
11. Front Yard Depth (Ft.)	<u>15'</u>		min.
12. Left Side Yard Depth (Ft.)	<u>7'8"</u>		min.
13. Right Side Yard Depth (Ft.)	<u>6'5"</u>		min.
14. Rear Yard Depth (Ft.)	<u>22'10"</u>		min.
15. Height (Stories)	<u>2</u>		max.
16. Height (Ft.)			max.
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.			
17A. Landscaped Open Space (% of GFA)			min.
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.			
18A. Usable Open Space (% of GFA)			min.
19. Number of Parking Spaces	<u>0</u>	<u>2</u>	min.
20. Parking area setbacks (if applicable)			min.
21. Number of Loading Spaces (if applicable)			min.
22. Type of construction	<u>Wood Frame</u>		N/A
23. Slope of proposed roof(s) (in. per ft.)			min.

TOWN OF ARLINGTON
Open Space / Gross Floor Area Information
For Applications to the Zoning Board of Appeals

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 16-18 Swan Place Zoning District: _____

<u>OPEN SPACE*</u>	EXISTING	PROPOSED
Total lot area	<u>5374</u>	_____
Open Space, Usable	<u>3846</u>	_____
Open Space, Landscaped	<u>3846</u>	_____

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †

Accessory Building	_____	_____
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	_____	_____
1 st Floor	<u>1528</u>	_____
2 nd Floor	<u>1454</u>	_____
3 rd Floor	<u>512</u>	_____
4 th Floor	_____	_____
5 th Floor	_____	_____
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	_____	_____
Parking garages (except as used for accessory parking or off-street loading purposes)	_____	_____
All weather habitable porches and balconies	<u>48</u>	_____
Total Gross Floor Area (GFA)	<u>5120</u>	_____

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA

Landscaped Open Space (Sq. Ft.)	<u>3846</u>	_____
Landscaped Open Space (% of GFA)	_____	_____
Usable Open Space (Sq. Ft.)	<u>3846</u>	_____
Usable Open Space (% of GFA)	_____	_____

This worksheet applies to plans dated _____ designed by _____

Reviewed with Building Inspector: _____ Date: _____

NEW ENGLAND LAND SURVEY
 Professional Land Surveyors
 710 MAIN STREET
 N.Oxford, MA 01537
 PHONE: (508) 987-0025
 FAX: (508) 234-7723
 REGISTRY SOUTHERN MIDDLESEX

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

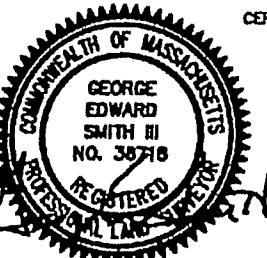
MORTGAGE INSPECTION PLAN

NAME CHARLES POTTER

LOCATION 16-18 SWAN PLACE

ARLINGTON, MA

SCALE 1"=30' DATE 12/31/2015



CERTIFY TO: MORTGAGE EQUITY PARTNERS LLC ISAOA/ATIMA

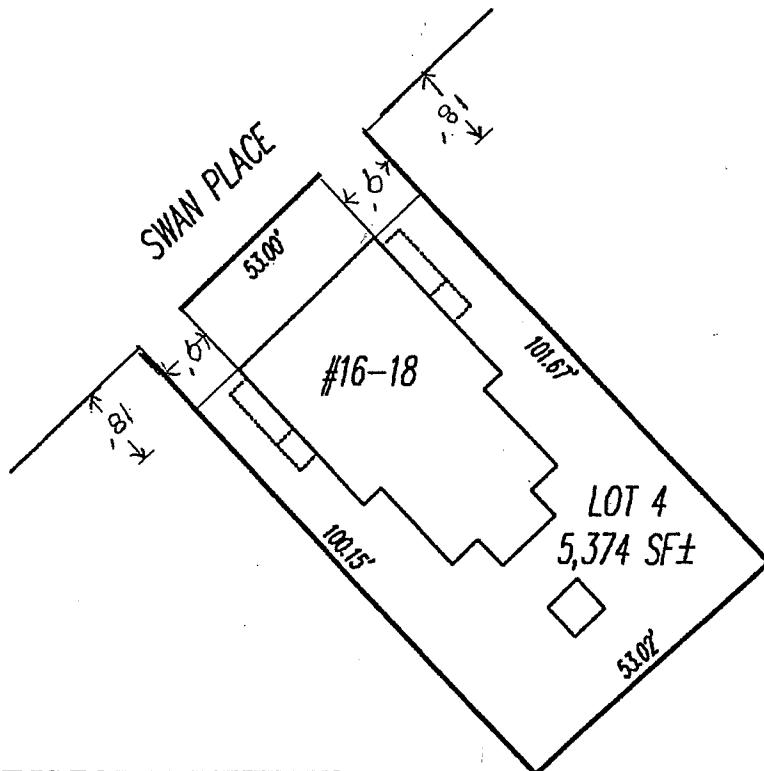
DEED REFERENCE: 50676/584

PLAN REFERENCE: 42/2

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA SEE FIRM

25017C0417E 06/04/2010

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE, UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

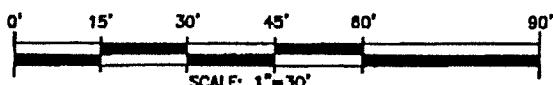


THE REQUEST IS FOR 2 DRIVEWAYS

THIS WOULD REQUIRE BOTH A VARIANCE

AND A SPECIAL PERMIT

REQUESTED BY: PETER T DAMORE JR
 DRAWN BY: AJD
 CHECKED BY: GES
 FILE: 15MIP14214



NEW ENGLAND LAND SURVEY
Professional Land Surveyors

710 MAIN STREET
N.Oxford, MA 01537

PHONE: (508) 987-0025
FAX: (508) 234-7723

REGISTRY SOUTHERN MIDDLESEX

MORTGAGE INSPECTION PLAN

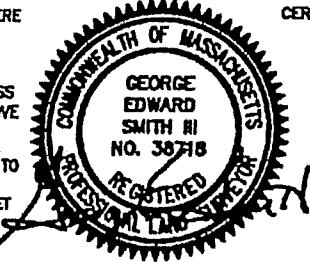
15MIP14214

NAME CHARLES POTTER

LOCATION 16-18 SWAN PLACE
ARLINGTON, MA

SCALE 1"-30' DATE 12/31/2015

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CERTIFY TO: MORTGAGE EQUITY PARTNERS LLC ISAOA/ATIMA

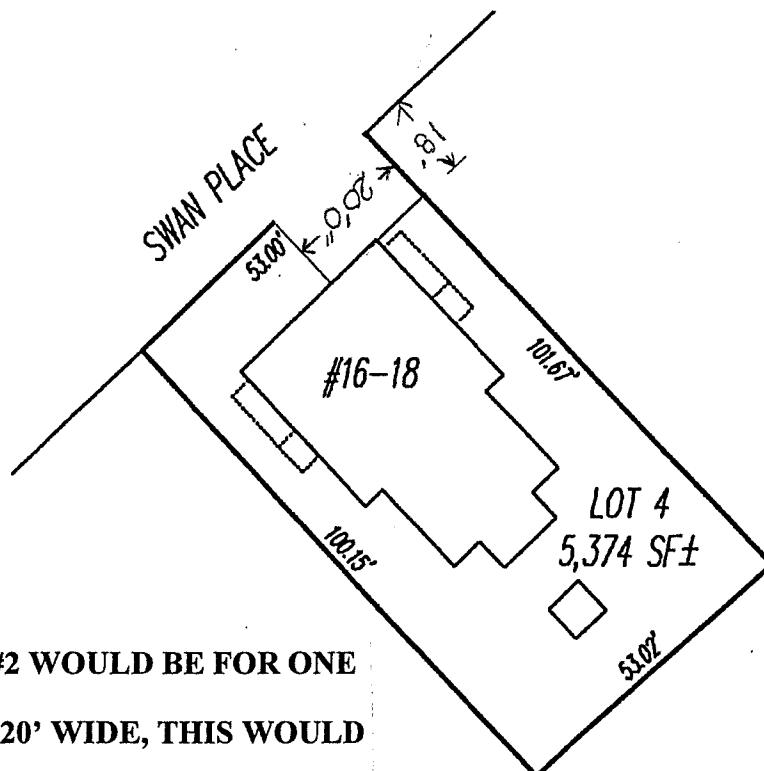
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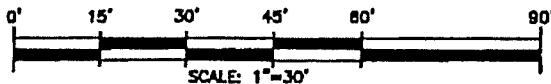
25017C0417E DTD: 06/04/2010

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SCENARIO #2 WOULD BE FOR ONE
DRIVEWAY 20' WIDE, THIS WOULD
REQUIRE A VARIANCE ONLY

REQUESTED BY: PETER T DAMORE JR
DRAWN BY: AJD
CHECKED BY: GES
FILE: 15MIP14214



NEW ENGLAND LAND SURVEY
Professional Land Surveyors

710 MAIN STREET
N.Oxford, MA 01537

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FAX: (508) 234-7723

REGISTRY SOUTHERN MIDDLESEX

MORTGAGE INSPECTION PLAN

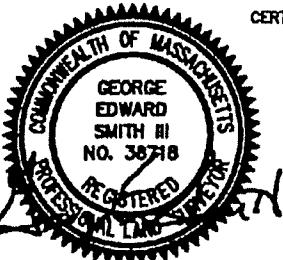
NAME CHARLES POTTER

LOCATION 16-18 SWAN PLACE
ARLINGTON, MA

SCALE 1"=30' DATE 12/31/2015

15MIP14214

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN, NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREIN IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



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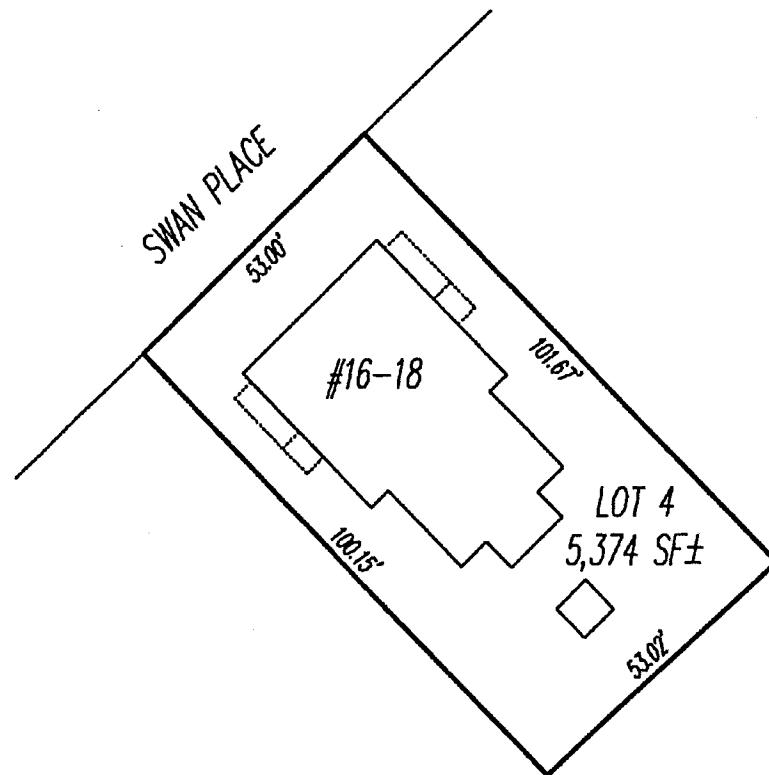
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R.B.P.J.

REQUESTED BY: PETER T DAMORE JR
DRAWN BY: AJD
CHECKED BY: GES
FILE: 15MIP14214

0' 15' 30' 45' 60' 75' 90'
SCALE: 1"=30'

om: benajan potter <benajan_25@hotmail.com>
b: "ZBA@town.arlington.ma.us" <ZBA@town.arlington.ma.us>
ate: 10/29/2021 02:16 PM
bject: 16-18 Swan Place vegetation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address is in the From: line in "< >" brackets) and you know the content is safe.





420132







TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 11/15/2021
RE: Docket 3676 – 16-18 Swan Place; Special Permit under Zoning Bylaw Section 6.1.10 (A)
(Location of Parking Spaces)

The applicant, Charles Ben Potter, seeks a Special Permit and a Variance in accordance with Section 6.1.10 (A) (Location of Parking Spaces) of the Zoning Bylaw. The applicant seeks to add two single-car driveways in the front yard setback of their two-family duplex structure, one on each side of the parcel or two on the northeast side of the parcel. The purpose of the request is to provide off-street parking for the residents of the structure.

The property is in the R2 Zoning District, and is nonconforming with the Zoning Bylaw's lot size; frontage; front, left, right, and rear yard setbacks; and parking space requirements. The applicant has not provided dimensional details describing the amount of usable or landscaped open space that would be eliminated under this proposal, so it is unclear if the addition of the two parking spaces would increase an existing open space nonconformity. The addition of two off-street parking spaces would bring the parking into conformity with the requirements of the Zoning Bylaw.

The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted in the R2 Zoning District through the granting of a Special Permit.

Criterion #2: Public Convenience/Welfare

This proposal would provide two driveways for the property, providing off-street parking for occupants of each unit in the structure. Section 6.1.11.A (Parking and Loading Space Standards) requires that parking spaces shall have a minimum dimension of 8.5 feet by 18 feet. However, the dimensions of the front yard setback preclude the applicant from meeting the standard laid out in Section 6.1.11.A. The front yard setback is 15 feet, but the applicant proposes to provide either one or two 18 feet driveways, which if approved would result in a parking area that covers the sidewalk.

Furthermore, the existing entry stairs on each side of the structure project forward from the front façade, unlike the condition shown in the provide land surveys. The location of the stairs would require vehicles to park further back to provide sufficient space for residents to access the entries to the building. This would present a hazard to pedestrian safety.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

As mentioned in Criterion #2, introducing a parking area that necessitates vehicular parking on a sidewalk would present a hazard to pedestrian safety.

Criterion #4: Undue Burden on Municipal Systems

There would not be an undue burden on municipal systems.

Criterion #5: Special regulations

This proposal would not result in the need for special regulations.

Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

Properties along Swan Place and Swan Street provide parking along the front or side yard setback, in driveways or in larger parking lots. An adjacent property has provided parking through one driveway with two curb cuts so residents can pull through the front yard to park. If the dimensions of the proposed parking at 16-18 Swan Place could reasonably accommodate a standard sized vehicle, the variation in parking provisions among abutting structures would provide an environment where parking in the front yard setback would not be detrimental to the character of the district. However, as noted above, the front yard setback is only 15 feet. Under the proposed conditions, a portion of a parked car would block the sidewalk.

As an alternative, the applicant could consider requesting a variance for a parking area like the one at the adjacent 12-14 Swan Place. While using an entire front yard setback for parking is not ideal from an aesthetics or stormwater runoff perspective, the applicant could propose vegetated buffers and the introduction of pervious pavers to minimize the impact of the proposal.

Criterion #7: Detrimental Excess in Particular Use

This proposal would not cause any detrimental excesses.

The following is an application of the Variance criteria (M.G.L. c. 40 §A.10):

Criterion #1: Soil Conditions, Shape, or Topography

The property at 16-18 Swan Place is set back 15 feet from the sidewalk, with small side yard setbacks on either side of the structure. The side yards are of insufficient size to provide off-street parking for residents of the structure. There is no ability to provide off-street parking anywhere on the property except within the front yard setback.

Criterion #2: Hardship

The size of the lot and the existing structure prohibit the owner's ability to provide off-street parking within the property lines. Modifying the structure to provide off-street parking would require a complete demolition and redevelopment, but because the parcel size is nonconforming with the Zoning Bylaw a demolition and redevelopment with a new building footprint is not permitted.

Criterion #3: Without Substantial Detriment to the Public Good

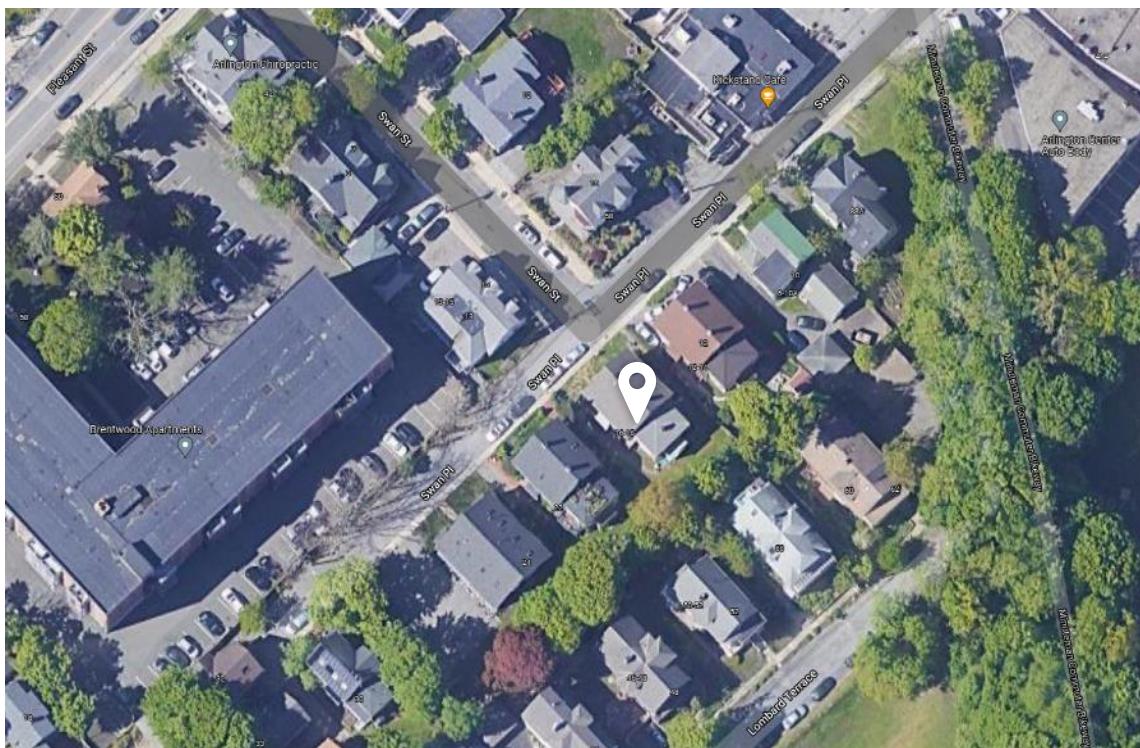
The property can accommodate the subterranean garage and limited open space without compromising the public good.

Criterion #4: Without Nullifying or Substantially Derogating From the Intent of the Zoning Bylaw

Due to its imposition on the sidewalk, this proposal is inconsistent with the “walkability” clause of the definition of the R-2 Zoning District.

Below are aerial and street-view photos of the current building:







Recommendation:

The Department of Planning and Community Development maintains under either of the proposed configurations, the potential barriers to the sidewalk and threat to pedestrian safety outweigh the benefit to the applicant of providing two off-street parking spaces. DPCD maintains that this proposal is not consistent with the Zoning Bylaw, nor does it meet the four variance criteria, and recommends that the Zoning Board of Appeals deny this application or work with the applicant to develop a revised parking proposal.



Town of Arlington, Massachusetts

Docket # 3677: 25 Highland Avenue

ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	ZBA_Package__25_Highland_Avenue.pdf	ZBA Package, 25 Highland Avenue
❑ Memorandum	3677_25_Highland_Ave.pdf	DPCD Memo re 3677 25 Highland Ave
❑ Reference Material	25_highland_ave__New_parking.pdf	25 highland ave, New parking



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by **WR Builders Inc.** of Newton, Massachusetts on October 10, 2021, a petition seeking permission to alter their property located at **25 Highland Avenue - Block Plan 127.0-00050003.0** Said petition would require a Variance under **Section 6.1.10 (A)** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening November 23, 2021 at 7:30 P.M or as soon thereafter as the petitioner may be heard.** To join the meeting, please register using the following URL:
<https://town-arlington-ma-us.zoom.us/meeting/register/tZMkd-murTssGdFShvZ8W9NJD8593-JnRDPd>
for documentation relating to this petition, visit the ZBA website at www.arlington.gov/zba.

DOCKET NO 3677

Zoning Board of Appeals
Christian Klein, RA, Chair

Please direct any questions to: ZBA@town.arlington.ma.us

REQUEST FOR VARIANCE
TOWN OF ARLINGTON

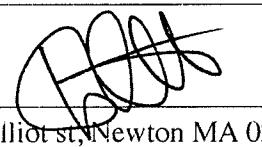
In the matter of the Application of 25 Highland Ave, Arlington MA
to the Zoning Board of Appeals for the Town of Arlington:

Application for a Variance is herewith made, in accordance with Section 3.2 of the Zoning Bylaw of the Town of Arlington, Massachusetts seeking relief from the following specific provisions of the Zoning Bylaw, and as described more fully in the attached form, *Variance Criteria*:

Front yard Parking for 2 vehicles 20' wide and 18' deep

The Petitioner/Applicant states he/she/they is/are the owner-occupant of the land in Arlington located at 25 Highland Ave with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The applicant expressly agrees to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicant represents that the grounds for the relief sought are as follows:

Property at 25 Highland ave currently has no parking at all. All vehicles need to be parked on the street in the winter months obstructing the snow removal and street cleaing in the rest of the year.

E- Mail: ramolpartners@gmail.com Signed:  Date: 10.7.2021
Telephone: 6176822522 Address: 397 Elliot st, Newton MA 02464

Variance Criteria:

The power of the Board of Appeals to grant a Variance from the literal application of the Zoning Bylaw is strictly limited by State Law. Under MGL, Chapter 40a, Section 10, the Board of Appeals must “specifically find” for a particular piece of land or a specific structure that “owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the … by-law would involve substantial hardship, financial or otherwise, to the petitioner … , and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.” (emphasis added.)

Thus, Under State Law, a Variance may only be granted when **all of the four (4) following criteria are met:**

- 1). Describe the circumstances relating to the soil conditions, shape, or topography especially affecting such land or structures but not affecting generally the Zoning District in which it is located that would substantiate the granting of a Variance.

There will be no change to the soil condition or shape. Topography will be slightly affected as the top layer of the soil needs to be removed in order to have the flat surface from the Highland ave into the front yard parking. 20x18 will be the space needed for parking. No structures will be affected in the process.

- 2). Describe how a literal enforcement of the provisions of the Zoning Bylaw, specifically relating to the circumstances affecting the land or structure noted above, would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant.

Not having the parking next to the property is the biggest inconvenience for the owners. Property is getting renovated currently and will be ready for new owners to occupy very shortly. Having parking located right at the house will be first and foremost the safety measure for the children or elderly occupant.

3). Describe how desirable relief may be granted without substantial detriment to the public good.

There will be no detriment to the public good with allowing the front yard parking at 25 Highland ave.

4). Describe how desirable relief may be granted ... without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw of the Town of Arlington, Massachusetts.

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare

of the inhabitants of the Town of Arlington; to lessen congestion in the streets. By allowing to add front yard parking at 25 Highland ave, the Zoning Bylaw will actually fulfill its purpose. Cars will be removed and this will promote safety and convenience for the owners.

State Law (MGL Chapter 40a, Section 10) requires that the Zoning Board of Appeals must find that all four (4) criteria are met in order to be authorized to grant a Variance. If any one of the standards is not met, the Board must deny the Variance.

TOWN OF ARLINGTON

Dimensional and Parking Information

For Applications to the Zoning Board of Appeals

1. Property Location: 25 Highland Ave Zoning District: _____

2. Present Use/Occupancy: 2-Family No. of dwelling units 2

3. Existing Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):

2,366 Sq. Ft.

4. Proposed Use/Occupancy: _____ No. of dwelling units _____

5. Proposed Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):

7,161 Sq. Ft.

- | | Present Conditions | Proposed Conditions | Min. or max Required by Zoning |
|--|--------------------|---------------------|--------------------------------|
| 6. Lot size (Sq. Ft.) | 4,878 | 4,878 | min. |
| 7. Frontage (Ft.) | 20.8 | 20.8 | min. |
| 8. Floor area ratio | | | max. |
| 9. Lot Coverage (%) | | | max |
| 10. Lot Area per Dwelling Unit (Sq. Ft.) | | | min. |
| 11. Front Yard Depth (Ft.) | 24.8 | 24.8 | min. |
| 12. Left Side Yard Depth (Ft.) | 7.2 | 7.2 | min. |
| 13. Right Side Yard Depth (Ft.) | 14.7 | 14.7 | min. |
| 14. Rear Yard Depth (Ft.) | 17.8 | 9 | min. |
| 15. Height (Stories) | | | max. |
| 16. Height (Ft.) | | | max. |
| 17. Landscaped Open Space (Sq. Ft.)
Refer to Section 2 in the Zoning Bylaw. | | | |
| 17A. Landscaped Open Space (% of GFA) | | | min. |
| 18. Usable Open Space (Sq. Ft.)
Refer to Section 2 in the Zoning Bylaw. | | | |
| 18A. Usable Open Space (% of GFA) | | | min. |
| 19. Number of Parking Spaces | 0 | 2 | min. |
| 20. Parking area setbacks (if applicable) | | | min. |
| 21. Number of Loading Spaces (if applicable) | | | min. |
| 22. Type of construction | | | N/A |
| 23. Slope of proposed roof(s) (in. per ft.) | | | min. |

TOWN OF ARLINGTON
 Open Space / Gross Floor Area Information
 For Applications to the Zoning Board of Appeals

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 25 Highland Ave Zoning District: _____

<u>OPEN SPACE*</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	<u>4,878</u>	<u>4,878</u>
Open Space, Usable	_____	_____
Open Space, Landscaped	_____	_____

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA)†

Accessory Building	_____	_____
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	<u>0</u>	<u>935</u>
1 st Floor	<u>1,183</u>	<u>1,183</u>
2 nd Floor	<u>1,183</u>	<u>1,183</u>
3 rd Floor	_____	_____
4 th Floor	_____	_____
5 th Floor	_____	_____
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	<u>0</u>	<u>860</u>
Parking garages (except as used for accessory parking or off-street loading purposes)	_____	_____
All weather habitable porches and balconies	_____	_____
Total Gross Floor Area (GFA)	<u>2366</u>	<u>4,161</u>

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA

Landscaped Open Space (Sq. Ft.)	_____	_____
Landscaped Open Space (% of GFA)	_____	_____
Usable Open Space (Sq. Ft.)	_____	_____
Usable Open Space (% of GFA)	_____	_____

This worksheet applies to plans dated 8.24.21 designed by Derby Square & FSC
Framingham Survey Consultants

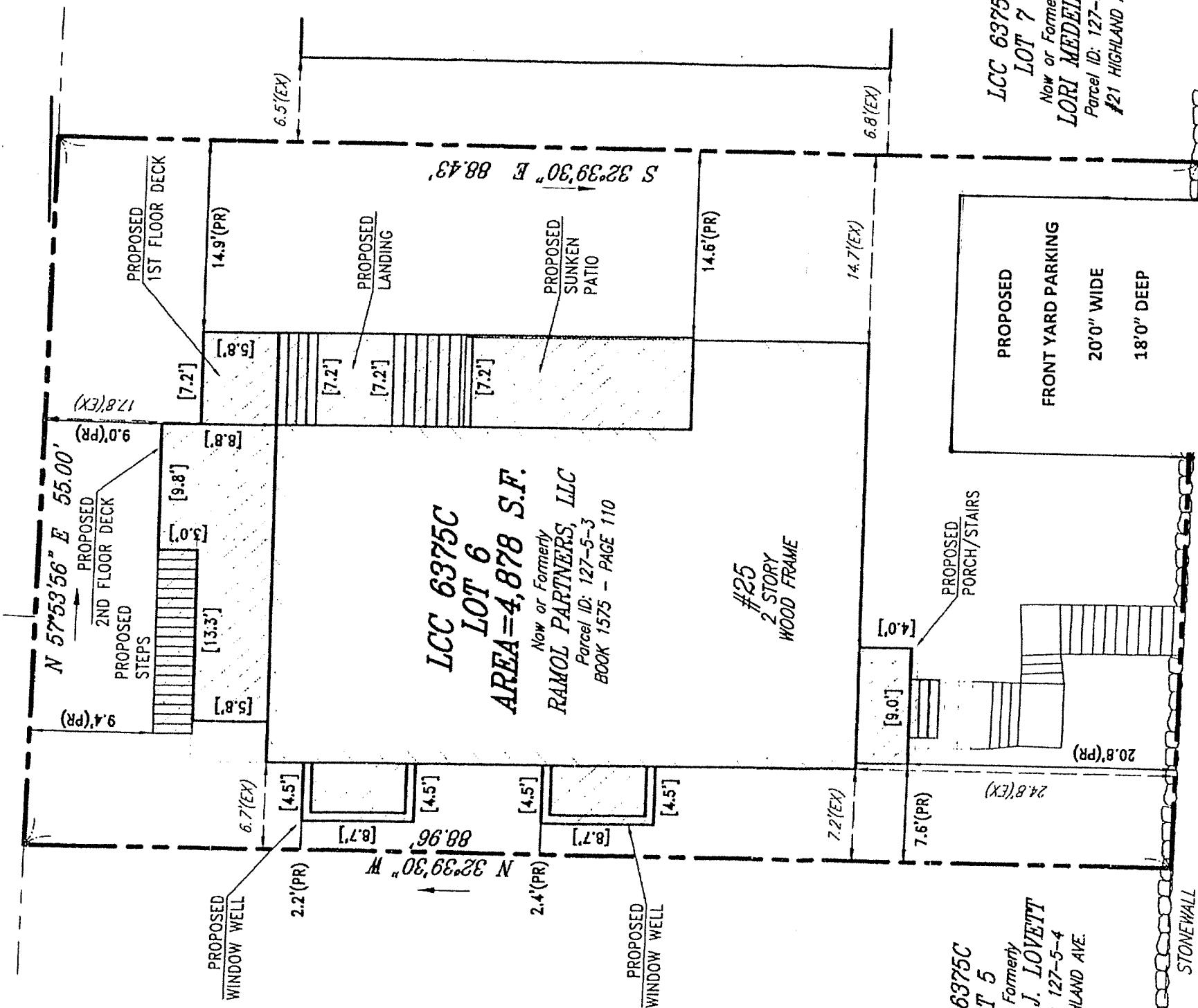
Reviewed with Building Inspector: _____ Date: _____

LCC 6375C
LOT 10
Now or Formerly
LAWRENCE GLYN
Parcel ID: 127-5-34
#14 MOULTON RD.

LCC 63975C
LOT 9
Now or Formerly
CHRISTOPHER CAMP
Parcel ID: 127A5-10
#10-#12 WOOLTON RD

Now or formerly
LAWRENCE GLYN
Parcel ID: 127-5-3
114 MOULTON RD.

Box 3
Now or Formerly
CHRISTOPHER CAMIRE
Parcel ID: 127A5-10
110-#12 MOULTON RD



99 of 132

I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY, PLANS AND DEEDS OF RECORD.



FSC PLAN FOR PROPOSED ADDITIONS
25 HIGHLAND AVENUE
ARLINGTON, MASSACHUSETTS

WALMINGTON SURVEY CONSULTANTS INC.
P.O. BOX 1190 FRAMINGHAM, MA 01701
Ph: 508-628-1444 FAX: 508-628-9226

WILLIAM E. TIRRELL, PLS (MA# 49930)

8/24/24

DATE

DATE	REMOVED BY:	REMOVED BY:	DMG:	6211-21 PAPER
AUGUST 24, 2021	CHECKED BY:	WET	JOB NO:	6211-21

GRAPHIC SCALE (IN FEET)

20 0 10 20 30 40



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 11/15/2021
RE: Docket 3677 – 25 Highland Ave; Variance under Section 6.1.10.A (Location of Parking Spaces)

The applicant, WR Builders Inc., seeks a variance in accordance with Section 6.1.10.A (Location of Parking Spaces) of the Zoning Bylaw. The applicant is renovating the property and seeks to introduce off-street parking in the front yard setback on a sloped site, as there is currently no parking provided on site. The applicant seeks a variance to provide a 20 foot wide by 18 foot deep parking area for two vehicles within the front yard setback, which is prohibited in Section 6.1.10.A of the Zoning Bylaw.

The property is currently being renovated, and is nonconforming with the Zoning Bylaw's lot area, frontage, frontage, left, right and rear side yard setbacks, and parking requirements. The applicant has not provided the total usable and landscaped open space, so it is unclear whether the proposal would increase or introduce an additional nonconformity. The proposal would create nonconformance with regard to the front yard setback requirements.

Not noted in the application is a street tree located immediately in front of the proposed driveway.

The following is an application of the Variance criteria (M.G.L. c. 40 §A.10):

Criterion #1: Soil Conditions, Shape, or Topography

The topography of the site has a significant slope, and the property is on a hillside separated from the street by a retaining wall at the front yard lot line. The height difference between the right of way and the property limits the applicant's ability to meet the required front yard setback from the street, as the slope of a paved drive would exceed the requirements in the Zoning Bylaw. The slope also limits the ability to meet the dimensional requirements in the rear side yard.

Criterion #2: Hardship

Similarly, meeting the required front yard setback for the garage structure would require substantial excavation of the site, which would be both cost prohibitive and potentially impact the stability of the existing principal structure.

Criterion #3: Without Substantial Detriment to the Public Good

One other property on this block of Highland Avenue and another on Moulton Road have driveways cut into the hill, although those driveways lead to garages under structures.

Two important details are absent from the application:

- As noted above and shown in the photos below there is a ten-inch Crimson King Maple located immediately in front of the proposed driveway, which is a protected public shade tree. Per the Arlington Tree Bylaw, any construction near this tree must be done at a sufficient distance from the tree to protect the Critical Root Zone. If the applicant intends to remove the tree, prior to commencing construction of the driveway they would need to appear before the Arlington Tree Committee at a public hearing to request permission.¹
- Because of the slope of the site, retaining walls would need to be constructed to create the parking area; the applicant has not provided sufficient detail to determine whether the design and construction of the parking area would be safe.

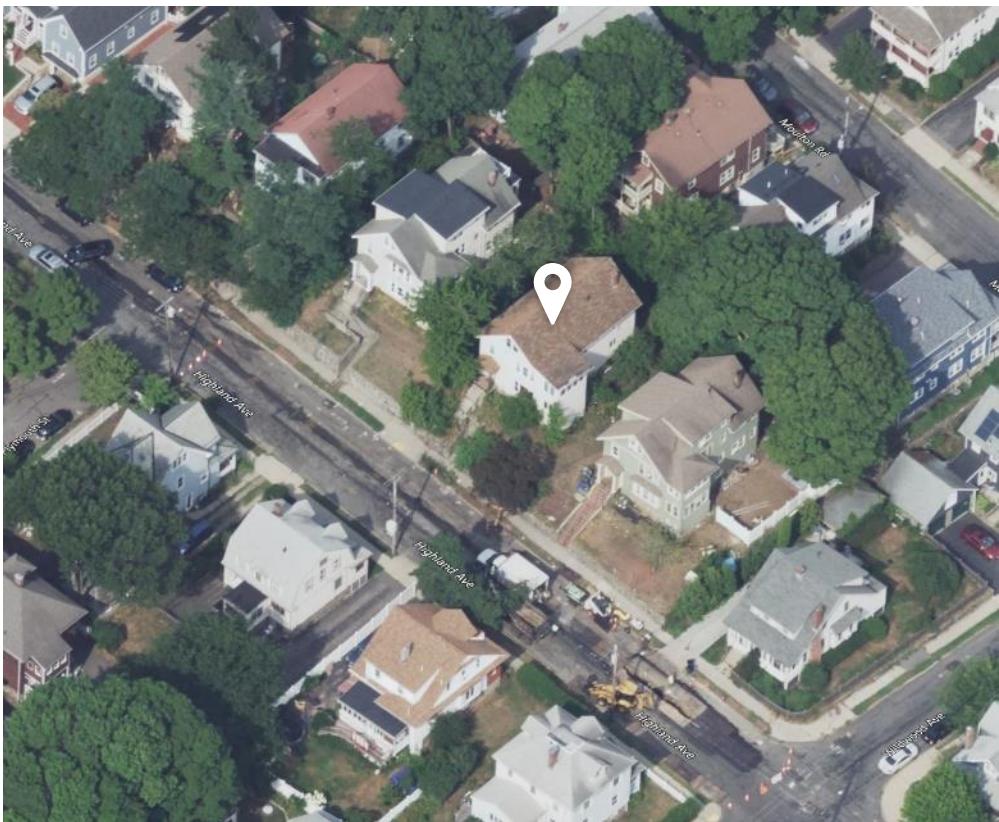
It is unclear whether property can accommodate the off-street parking without compromising the public good.

Criterion #4: Without Nullifying or Substantially Derogating From the Intent of the Zoning Bylaw
This proposal is consistent with the intent of the R-2 Zoning District.

Below are aerial and street-based photos of the current site:



¹ "Tree Construction Guidelines and Sample Plan", developed by the Tree Warden and Tree Committee:
<https://www.arlingtonma.gov/home/showpublisheddocument/50911/637223614338130000>





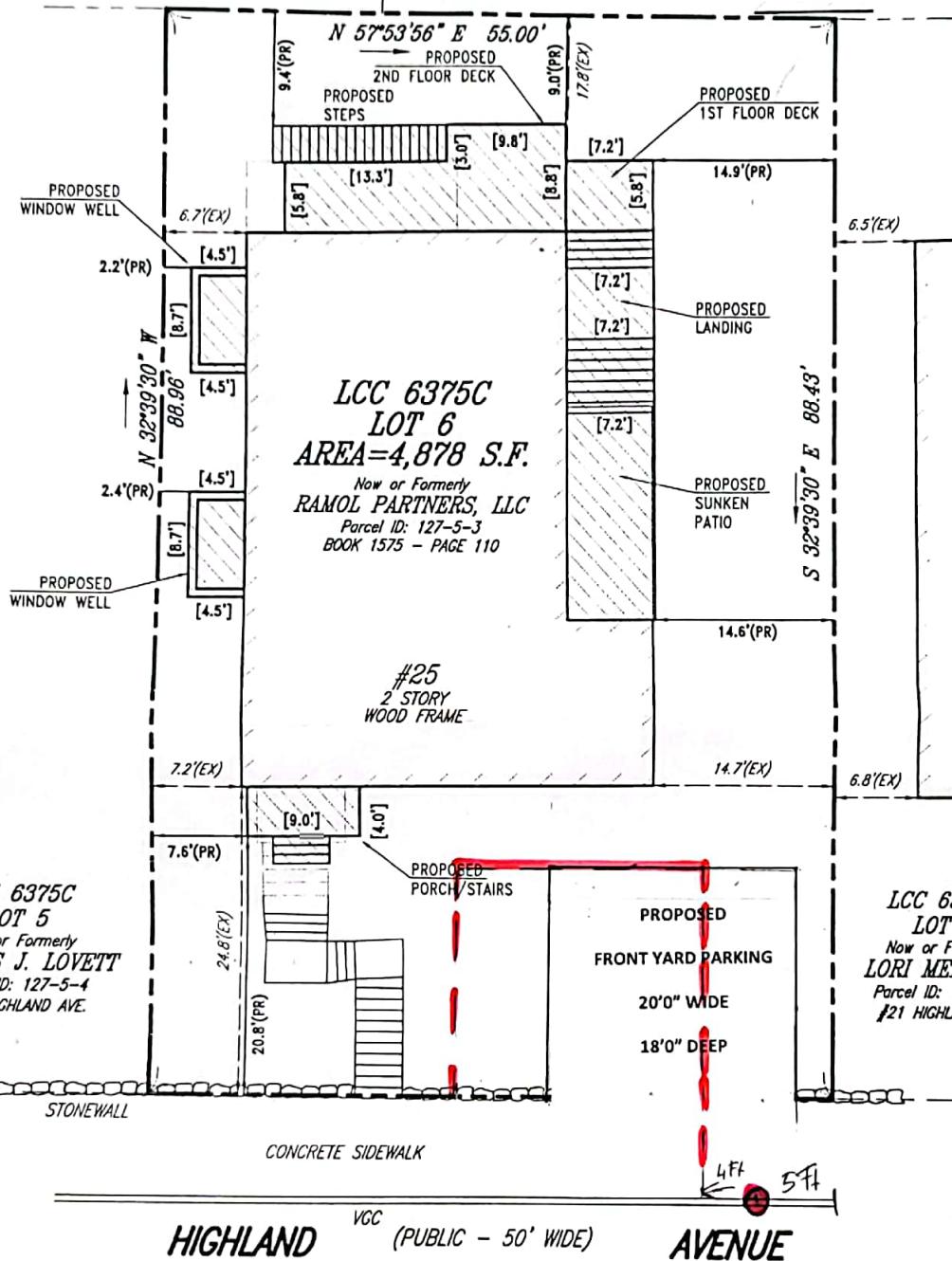
Recommendation:

It is unclear whether this proposal meets criterion #3. The Department of Planning and Community Development recommends that the Zoning Board of Appeals requests additional information regarding the protection or removal of the street tree and the construction of the retaining walls before approving this application.

LOC 6375C

LCC 6375C
LOT 10
Now or Formerly
LAWRENCE GLYNN
Parcel ID: 127-5-34
#14 MOULTON RD.

LCC 6375C
LOT 9
Now or Formerly
CHRISTOPHER CAMIRE
Parcel ID: 127A5-10
#10-#12 MOULTON RD.



I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY, PLANS AND DEEDS OF RECORD.



WILLIAM F. TIRRELL P.I.S (MAR 49930)

8/24/24
DATE

**PLAN FOR PROPOSED ADDITIONS
25 HIGHLAND AVENUE
ARLINGTON, MASSACHUSETTS**

FRAMINGHAM SURVEY CONSULTANTS INC.
P.O. BOX 1190 FRAMINGHAM, MA 01701
PH: 508-628-1444 FAX: 508-879-9292
WWW.FRAMINGHAMSURVEY.COM

SCALE	1-10	DRAWN BY:	RON	DATE	6211_21 PAPER
	AUGUST 24, 2021	CHECKED BY:	WET		JOB NO:
GRAPHIC SCALE (IN FEET)					
20	0	10	20	40	60



Town of Arlington, Massachusetts

Docket # 3675: 137 Robbins Road

ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	ZBA_Package__137_Robbins_Road.pdf	ZBA Package, 137 Robbins Road
❑ Memorandum	3675_137_Robbins_Rd.pdf	DPCD Memo re: 3675 137 Robbins Rd
❑ Reference Material	137_HOUSE_permit-11x17-21-1105.pdf	137 HOUSE permit-11x17-21-1105



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by **Jie Zhao** of Arlington, Massachusetts on October 10, 2021, a petition seeking permission to alter his property located at **137 Robbins Road - Block Plan 150.0-0001-0011.0**. Said petition would require two (2) Special Permits under **Section 5.4.2 B,6 and Section 5.3.9 (A)** respectively of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening, November 23, 2021 at 7:30 P.M or as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:**

<https://town-arlington-ma-us.zoom.us/meeting/register/tZMkd-murTssGdFShvZ8W9NJD8593-JnRDPd>
for documentation relating to this petition, visit the ZBA website at www.arlington.gov/zba.

DOCKET NO 3675

Zoning Board of Appeals
Christian Klein, RA, Chair

Please direct any questions to: **ZBA@town.arlington.ma.us**

REQUEST FOR SPECIAL PERMIT

TOWN OF ARLINGTON

In the matter of the Application of Addition to 137 Robbins Road

to the Zoning Board of Appeals for the Town of Arlington:

Application for a Special Permit is herewith made, in accordance with Section 3.3 of the Zoning Bylaw of the Town of Arlington, Massachusetts, seeking relief from the following specific provisions of the Zoning Bylaw, and as described fully in the attached form, *Special Permit Criteria*:

5.3.9. Projections into Minimum Yards

(Front Porch)

Section 6.08-Large Additions in Residential Districts (5.4.2. B (6) -2018)

Large Addition >750 sf

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at
137 Robbins Road with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The applicant expressly agrees to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicant represents that the grounds for the relief sought are as follows:

Our house is currently too small for our needs. We have 2 adults, a teen girl and a teen boy.

Currently we only have 2 bedrooms, 1 study and 1 bath. The children both should have their own bedroom. We propose to add 1 bedroom, 2 baths, attic study/work area, enclose the front deck for a mudroom, expand the living spaces proportionally. Our house is one of the smallest in the area.

E-Mail: jzhao05@gmail.com

Signed: ZHAO

Date: 9/28/2021

Telephone: (617) 797-5059

Address: 137 Robbins Rd, Arlington, MA 02476

Special Permit Criteria: Per Section 3.3.3 of the Zoning Bylaw, a Special Permit shall only be granted upon the Board's determination that the benefits of the proposed project will outweigh its adverse effects. The responses provided below will inform the Board as to whether the standards for approval have been met.

A). Indicate where the requested use is listed in the Table of Use Regulations as allowed by Special Permit in the district for which the application is made or is so designated elsewhere in the Zoning Bylaw.

No change to use, R1

B). Explain why the *requested use is essential or desirable to the public convenience or welfare.*

No change to use

C). Explain why *the requested use will not create undue traffic congestion; or unduly impair pedestrian safety.*

No change

D). Explain why *the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.*

No change to the number of people

E). Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provisions of Section 8 are fulfilled.

F). Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.

No change to use

G). Explain why *the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

No change to use

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For Applications to the Zoning Board of Appeals

1. Property Location: 137 Robbins Rd Zoning District: R1

2. Present Use/Occupancy: R1 No. of dwelling units 1

3. Existing Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
1366 Sq. Ft.

4. Proposed Use/Occupancy: R1 No. of dwelling units 1

5. Proposed Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
1366 exist+1153 = 2519 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (Sq. Ft.)	4680	No Change	min. NA
7. Frontage (Ft.)	52	No Change	min. NA
8. Floor area ratio	NA	NA	max. NA
9. Lot Coverage (%)	16%	28%	max 35%
10. Lot Area per Dwelling Unit (Sq. Ft.)	NA	NA	min. NA
11. Front Yard Depth (Ft.)	19.2	15'-2"	min. 25
12. Left Side Yard Depth (Ft.)	17.3	10.1	min. 10
13. Right Side Yard Depth (Ft.)	10.3	No Change	min. 10
14. Rear Yard Depth (Ft.)	38.6	27.2	min. 20
15. Height (Stories)	1 3/4	2 1/2	max. 2 1/2
16. Height (Ft.)	+/- 25'-5"	34'-6"	max. 35
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	1658	1797	
17A. Landscaped Open Space (% of GFA)	35	38	min. 10
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	1422	1012	
18A. Usable Open Space (% of GFA)	30	22	min. 30
19. Number of Parking Spaces	2	No Change	min. 1
20. Parking area setbacks (if applicable)	Not Applic		min.
21. Number of Loading Spaces (if applicable)	Not Applic		min.
22. Type of construction	Wood Frame	No Change	N/A
23. Slope of proposed roof(s) (in. per ft.)	8:12 & 12:12	4:12	min. NA

TOWN OF ARLINGTON
 Open Space / Gross Floor Area Information
 For Applications to the Zoning Board of Appeals

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 137 Robbins Rd

Zoning District: R1

<u>OPEN SPACE*</u>	EXISTING	PROPOSED
Total lot area	<u>4680</u>	<u>No Change</u>
Open Space, Usable	<u>1422</u>	<u>1012</u>
Open Space, Landscaped	<u>1658</u>	<u>1797</u>

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †

Accessory Building	<u>183</u>	<u>183</u>
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	<u>0</u>	<u>0</u>
1 st Floor	<u>726</u>	<u>1295</u>
2 nd Floor	<u>640</u>	<u>1021</u>
3 rd Floor		
4 th Floor		
5 th Floor		
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	<u>0</u>	<u>203</u>
Parking garages (except as used for accessory parking or off-street loading purposes)		
All weather habitable porches and balconies		
Total Gross Floor Area (GFA)	<u>1549</u>	<u>2702</u>

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA

Landscaped Open Space (Sq. Ft.)	<u>1658</u>	<u>1797</u>
Landscaped Open Space (% of GFA)	<u>35</u>	<u>38</u>
Usable Open Space (Sq. Ft.)	<u>1422</u>	<u>1012</u>
Usable Open Space (% of GFA)	<u>30</u>	<u>22</u>

This worksheet applies to plans dated 09/23/2021 designed by Jie Zhao & Markus von Zabern

Reviewed with Building Inspector: _____ Date: _____

EDWARD J
FARRELL
NO. 34613
SETTLES COMM

EDWARD J. FARRELL P.L.C. 1000 LAND SURVEYOR DATE

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ZHAO & MARKUS von ZABERN
ARLIN

AN INDEX TO THE BIBLIOGRAPHY

110 WINN STREET

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137 ROBBINS R

JIE ZHAO & MARKUS von ZABERN
BOOK 50156 PAGE 387 M.S.R.D.
DRAWN BY ENGINEER
SCALE: 1" = 20' SEPT. 27, 2021

EDWARD J. FARRELL
PROFESSIONAL LAND SURVEYOR

110 WINN STREET ~ SUITE 203 ~ WOBURN, MA
(781) - 933 - 9012

卷之三

House Addition

137 Robbins Road, Arlington, MA 02476



PERMIT

SEPTEMBER 28, 2021

A detailed site plan or zoning map showing property boundaries as shaded lots. The map includes several streets labeled: Spring Ave, Fountain Rd, Robin Rd, and Main Rd. Specific property lots are numbered and outlined. Notable lot numbers include 149, 148, 147, 146, 145, 144, 143, 142, 141, 140, 139, 138, 137, 136, 135, 134, 133, 132, 131, 130, 129, 128, 127, 126, 125, 124, 123, 122, 121, 120, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106, 105, 104, 103, 102, 101, 100, 99, 98, 97, 96, 95, 94, 93, 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81, 80, 79, 78, 77, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, and 0. A compass rose in the bottom left corner indicates North.

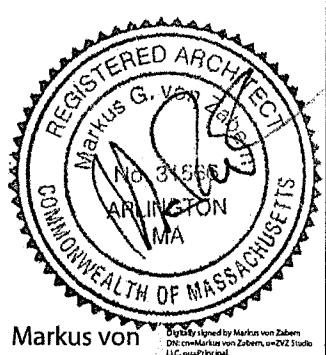
GENERAL NOTES

1. THE CONTRACTOR SHALL ADHERE TO ALL CODES HAVING JURISDICTION IN CONSTRUCTION OF THE PROJECT.
 2. GC TO ASSUME RESPONSIBILITY FOR CORRECTNESS OF WORK AND ADEQUACY OF WORK. BE RESPONSIBLE FOR AND PAY ALL DAMAGES CAUSED BY WORK OR WORKMEN.
 3. THE GC SHALL OBTAIN AND PAY FOR ALL PERMITS AND ARRANGE FOR INSPECTIONS AND APPROVALS FROM THE GOVERNING AUTHORITIES.
 4. ALL ELECTRICAL WORK SHALL BE DONE BY A LICENSED ELECTRICIAN. ALL PLUMBING SHALL BE DONE BY LICENSED PLUMBER.
 5. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. PROMPTLY NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS, INCONSISTENCIES OR OTHER PROBLEMS IMMEDIATELY UPON DISCOVERY, AND BEFORE PROCEEDING WITH THE WORK.
 6. THESE DRAWINGS ONLY SHOW DESIGN INTENT. CONTRACTOR TO COORDINATE DIMENSIONS, PLUMBING AND ELECTRICAL SYSTEMS REQUIRED TO COMPLETE WORK.
 7. A STRUCTURAL ENGINEER SHALL VERIFY THE STRUCTURAL INTEGRITY OF EXISTING AND NEW STRUCTURAL WORK.

ABBREVIATIONS

ABBREVIATIONS	
AFF	ABOVE FINISH FLOOR
DEMO	DEMOLITION
DIA	DIAMETER
EA	EACH
EXIST	EXISTING
FIN	FINISH
FLR	FLOOR
GC	GENERAL CONTRACTOR
GWB	GYPSUM WALL BOARD
MANUF	MANUFACTURER
NIC	NOT IN CONTRACT
PTD	PAINTED
REQ'D	REQUIRED
RM	ROOM
SCHED	SCHEDULE
SS	STAINLESS STEEL
STRUCT	STRUCTURE
TBD	TO BE DETERMINED
TYP	TYPICAL
WD	WOOD

DRAWING LIST



Digitally signed by Markus von Zabern
DN: cn=Markus von Zabern, o=XYZ Studio
LLC, ou=Print.gal,
email=mvonzabern@gmail.com, c=US
Date: 2021.10.01 09:20:01 +0200

HOUSE ADDITION
1137 Robbins Road, Arlington

PERMIT

Date: 9/28/2021

Drawing #:

A0.0

COVER NOTES DRAWING LIST



ZVZ STUDIO LLC
architecture
interior design
planning

137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:

HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476
Title:

SITE PLANS - EXISTING & PROPOSED

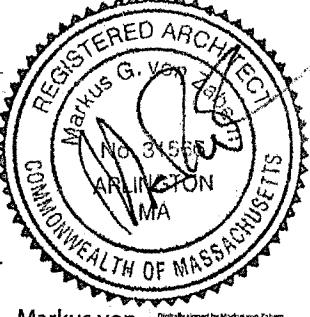
LEGEND:

GRASS &
LANDSCAPING

NOTE:
SITE
DIMENSIONS
ARE BASED
ON THE SITE
SURVEY

NEW
LANDSCAPING
TO REPLACE
DRIVEWAY
264sf

REPLACE
EXISTING
STAIR

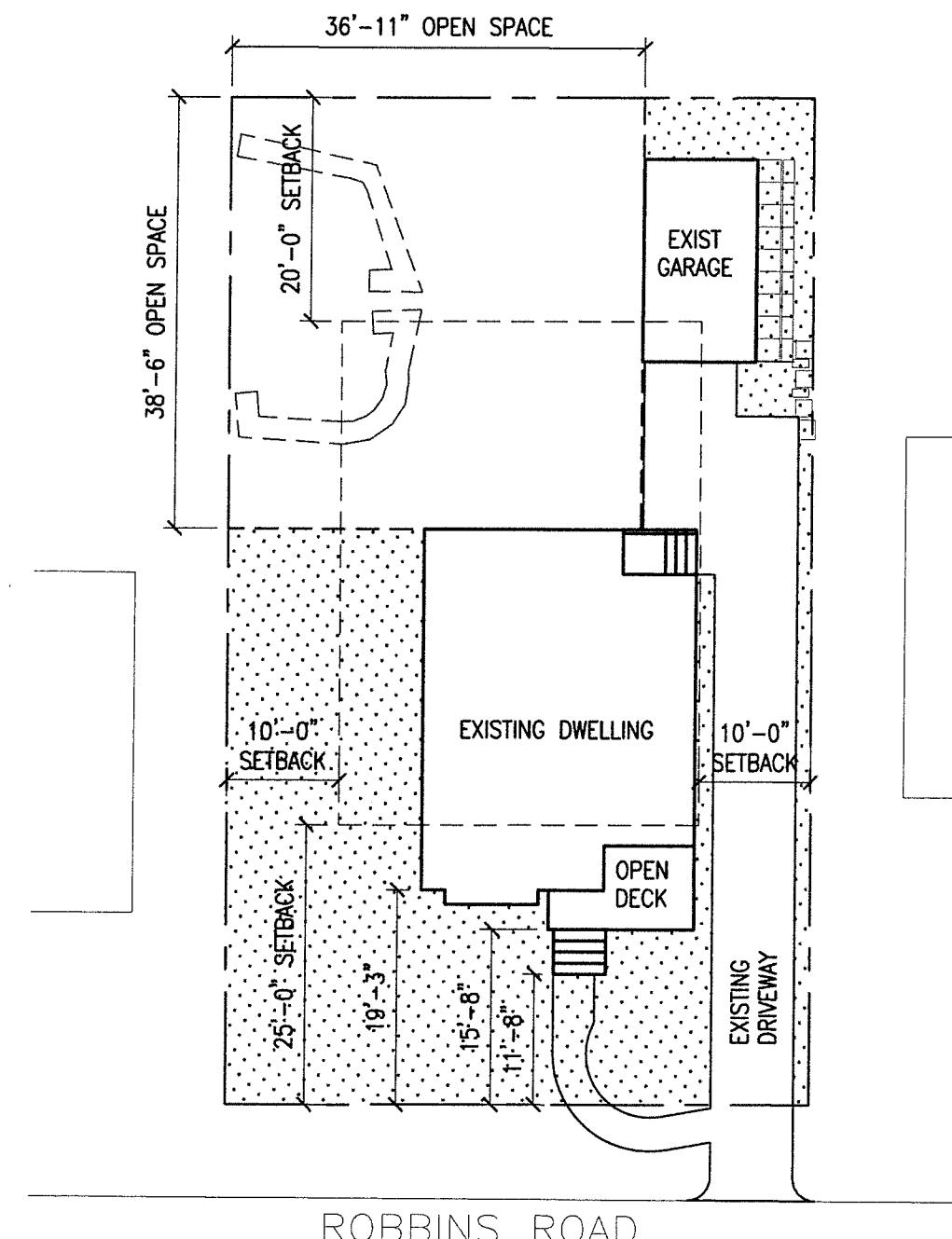


PERMIT

Date: 9/28/2021

Drawing #:

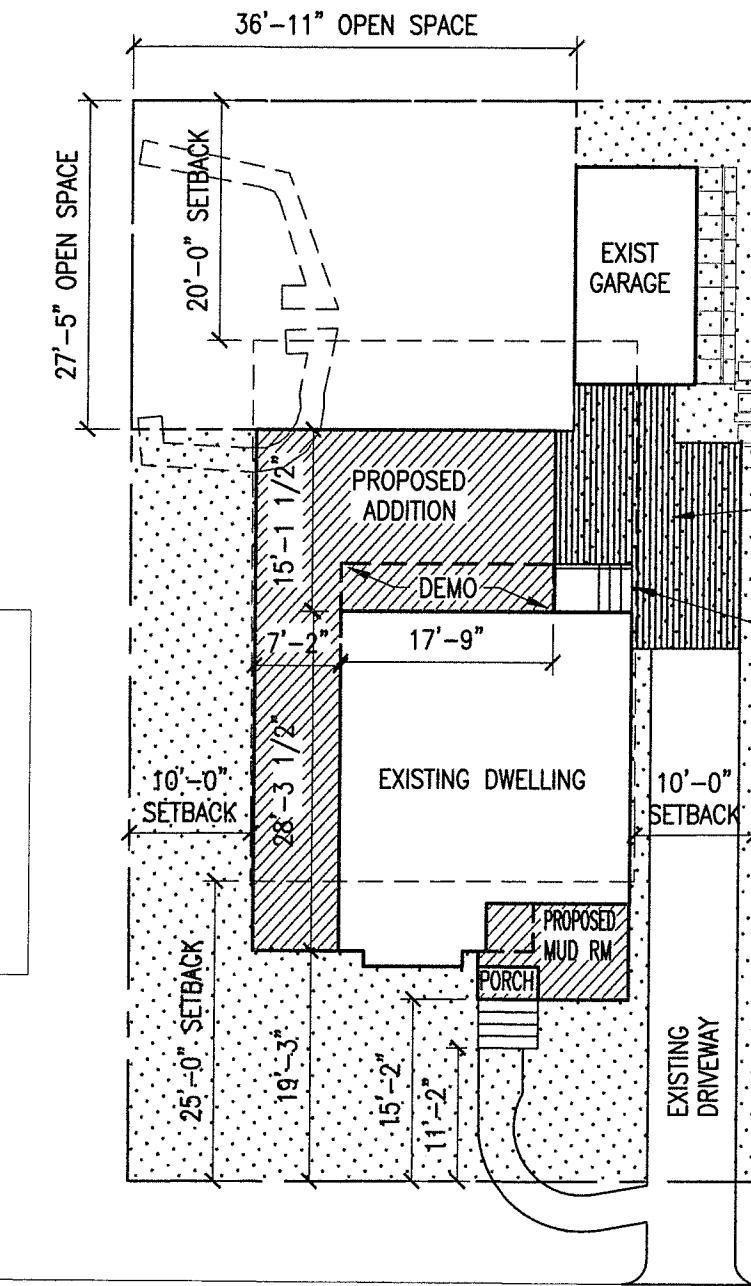
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1

EXISTING SITE PLAN

SCALE: 1/16"=1'-0"



2

PROPOSED SITE PLAN

SCALE: 1/16"=1'-0"



ZVZ STUDIO LLC
architecture
interior design
planning

137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:

DEMOLITION PLANS & ELEVATIONS

HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476

Title:

PERMIT

Date: 9/28/2021

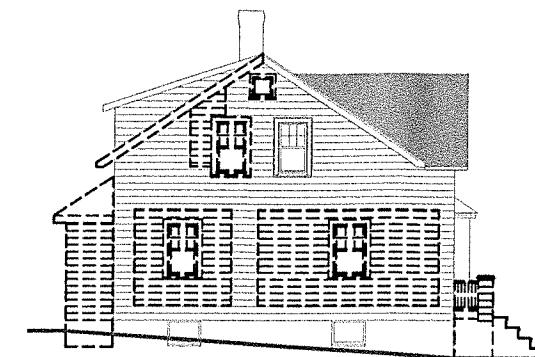
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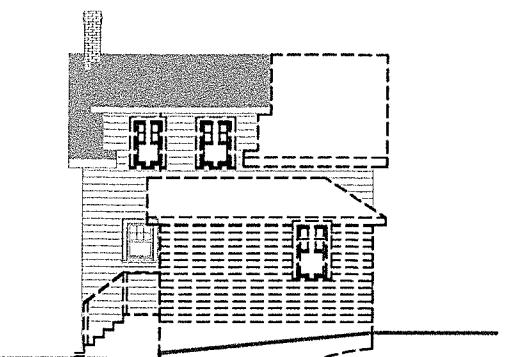
Markus von
Zabern
Digitally signed by Markus von Zabern
on 2021.09.28 10:21:27
ZVZ STUDIO LLC, myPrincipal
email:mvonzabern@gmail.com c4f5
Date: 2021.09.28 10:21:27-04'00'



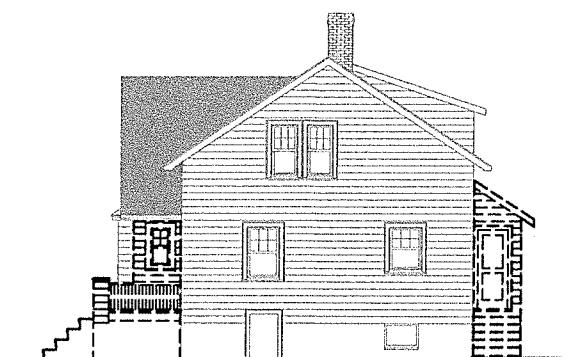
1 DEMOLITION-SOUTH ELEV
SCALE: 1/16"=1'-0"



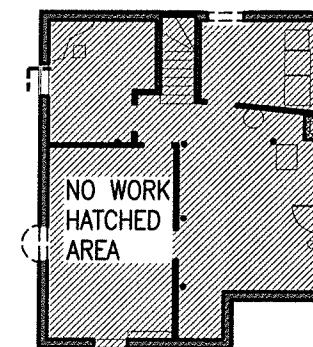
2 DEMOLITION-WEST ELEV
SCALE: 1/16"=1'-0"



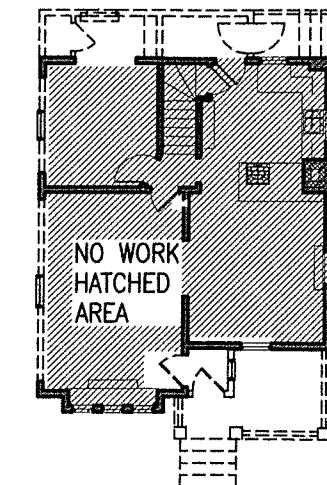
3 DEMOLITION-NORTH ELEV
SCALE: 1/16"=1'-0"



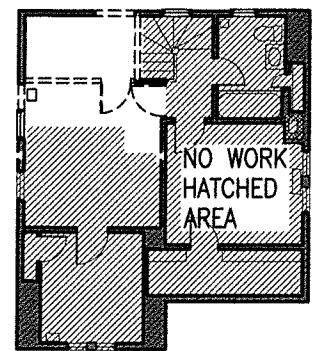
4 DEMOLITION-EAST ELEV
SCALE: 1/16"=1'-0"



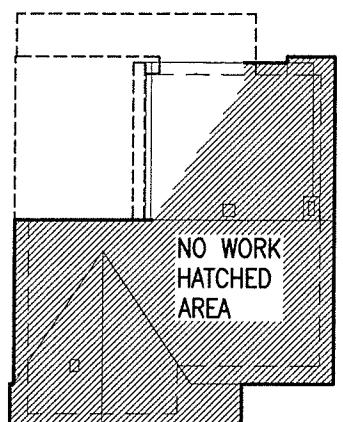
5 DEMOLITION-BASEMENT
SCALE: 1/16"=1'-0"



6 DEMOLITION-1ST FLOOR
SCALE: 1/16"=1'-0"



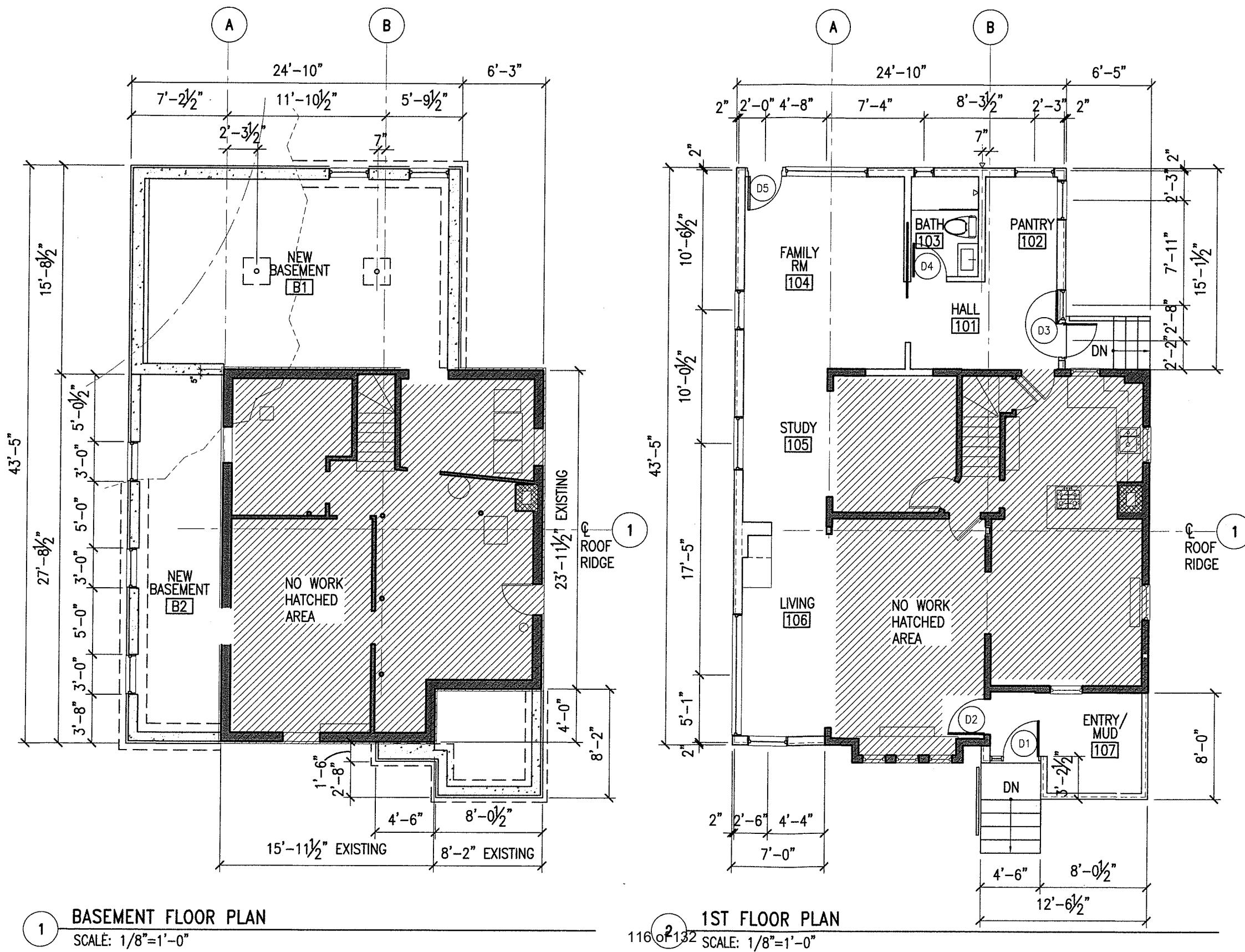
7 DEMOLITION-2ND FLOOR
SCALE: 1/16"=1'-0"



8 DEMOLITION-ROOF
SCALE: 1/16"=1'-0"

GENERAL NOTES	
1.	NO WALLS SHALL BE DEMOLISHED UNTIL ADEQUATE STRUCTURAL SUPPORT IS PROVIDED FOR EXISTING CONDITION.
2.	WHERE PLUMBING, ELECTRICAL IS TO BE REMOVED, GC SHALL CAP END RUNS.

LEGEND	
	AREA TO REMAIN
	WALL TO REMAIN
	INDICATES WALL TO BE REMOVED
	INDICATES ITEM TO BE REMOVED
	INDICATES ITEM TO REMAIN
	DEMOLITION KEYNOTE



GENERAL NOTES	
1.	FLOORING SHALL EXTEND UNDER ALL MILLWORK (TYP)
2.	REFER TO INTERIOR ELEVATIONS FOR WALL FINISHES
3.	REVIEW TILE LAYOUT WITH ARCHITECT PRIOR TO INSTALLATION
4.	ALL FLOOR TILE LOCATIONS TO HAVE CRACK SUPPRESSION MEMBRANE

LEGEND	
	EXISTING WALL
	NEW CONSTRUCTION

HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476

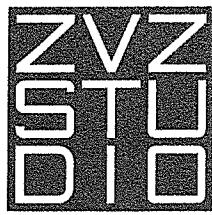
FLOOR PLANS

PERMIT

Date: 9/28/2021

Drawing #:

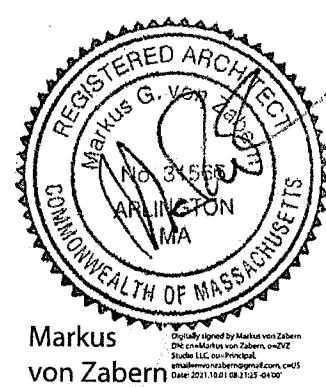
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ZVZ STUDIO LLC
architecture
interior design
planning

137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:



Markus
von Zabern

Digital signature by Markus von Zabern
DRAFTS & DESIGNS LLC, Inc., dba ZvZ
Email: msvonzabern@gmail.com, cm45
Date: 2021.09.01 08:21:37 -04'00'



ZVZ STUDIO LLC
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interior design
planning

137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:

HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476
Title:

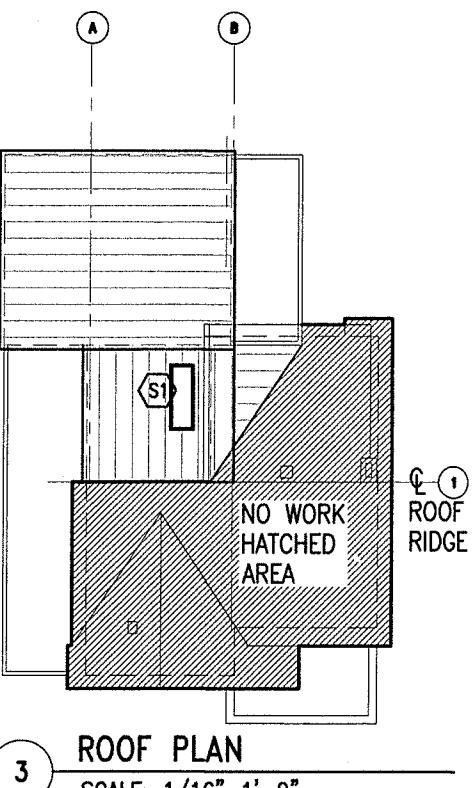
FLOOR PLANS

GENERAL NOTES

1. FLOORING SHALL EXTEND UNDER ALL MILLWORK (TYP)
2. REFER TO INTERIOR ELEVATIONS FOR WALL FINISHES
3. REVIEW TILE LAYOUT WITH ARCHITECT PRIOR TO INSTALLATION
4. ALL FLOOR TILE LOCATIONS TO HAVE CRACK SUPPRESSION MEMBRANE

LEGEND

	EXISTING WALL
	NEW CONSTRUCTION

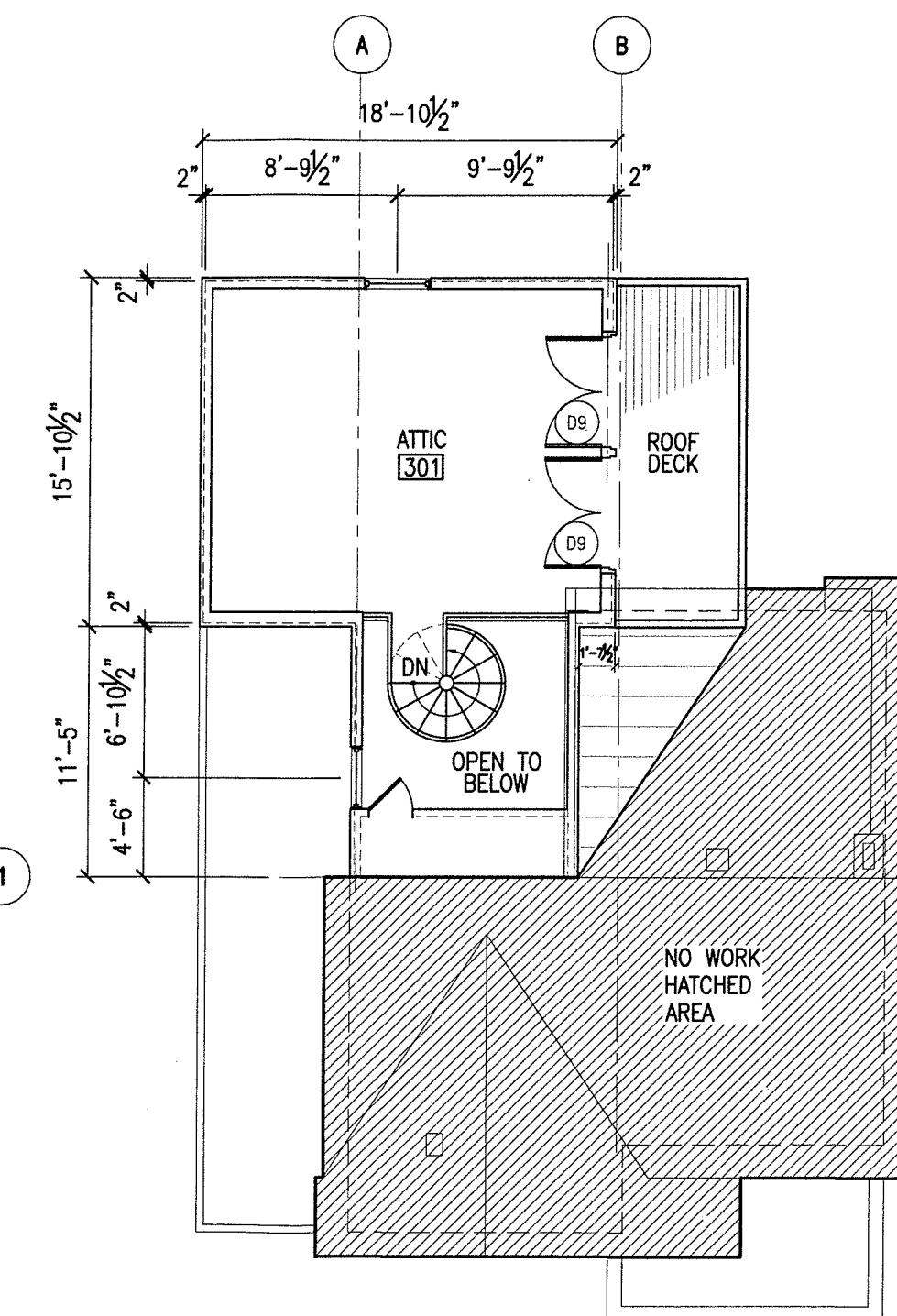
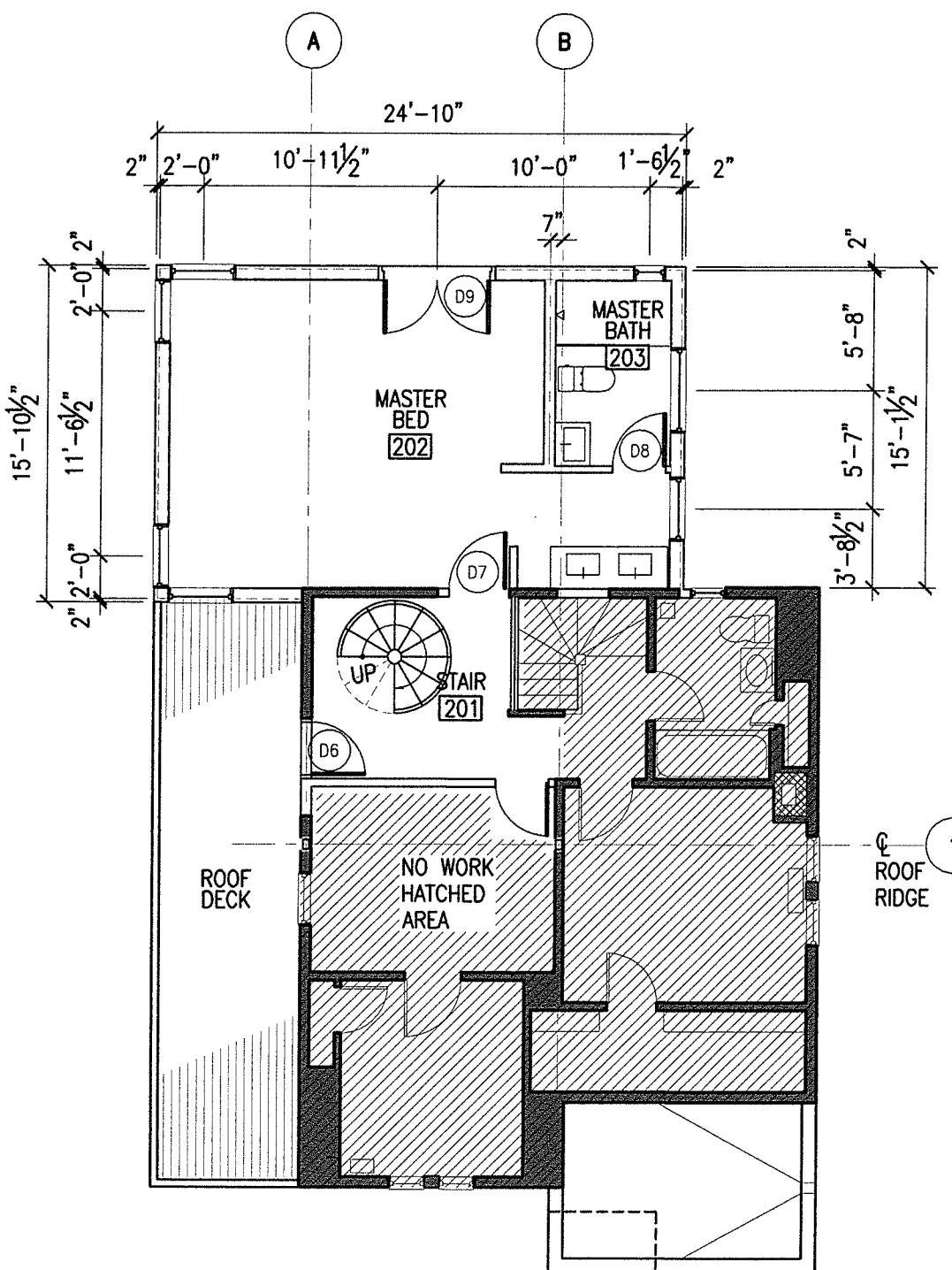


PERMIT

Date: 9/28/2021

Drawing #:

A1.2

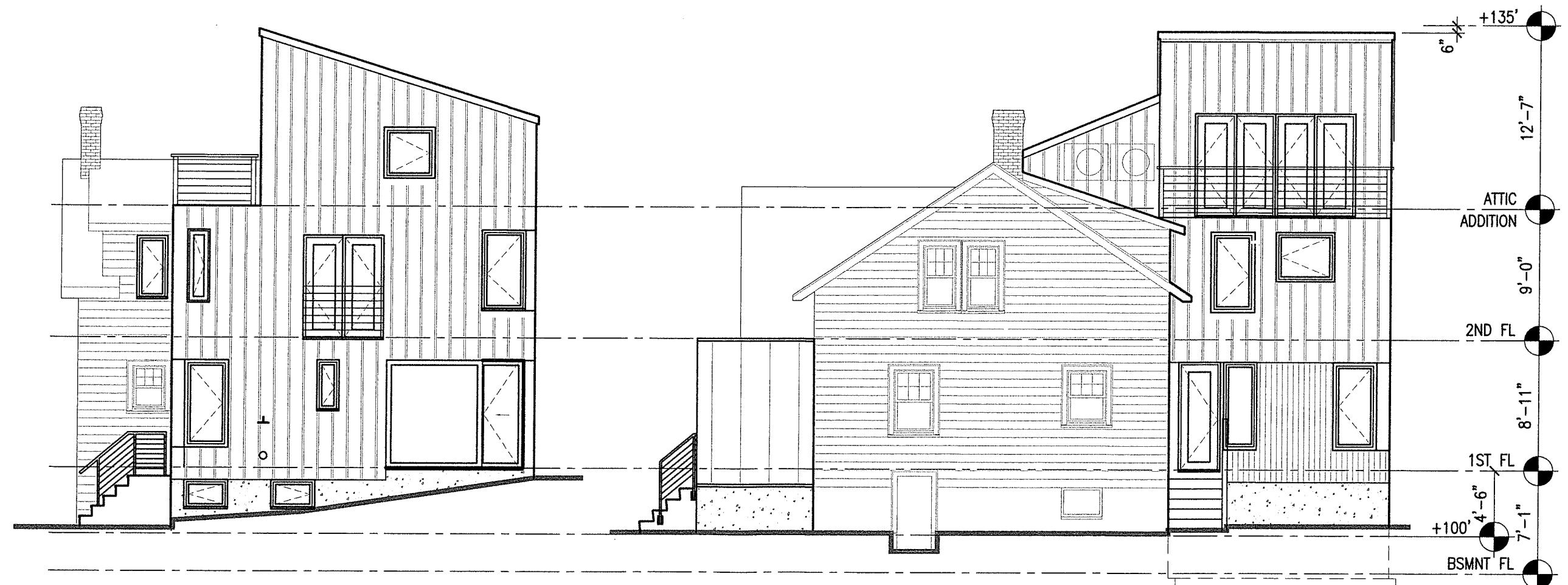




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architecture
interior design
planning

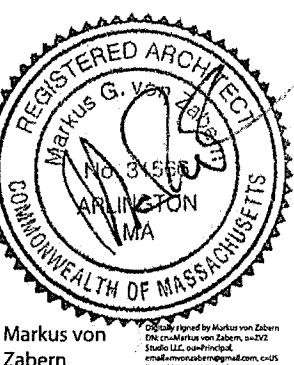
137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:



1 NORTH ELEVATION
SCALE: 1/4"=1'-0"

2 EAST ELEVATION
SCALE: 1/4"=1'-0"

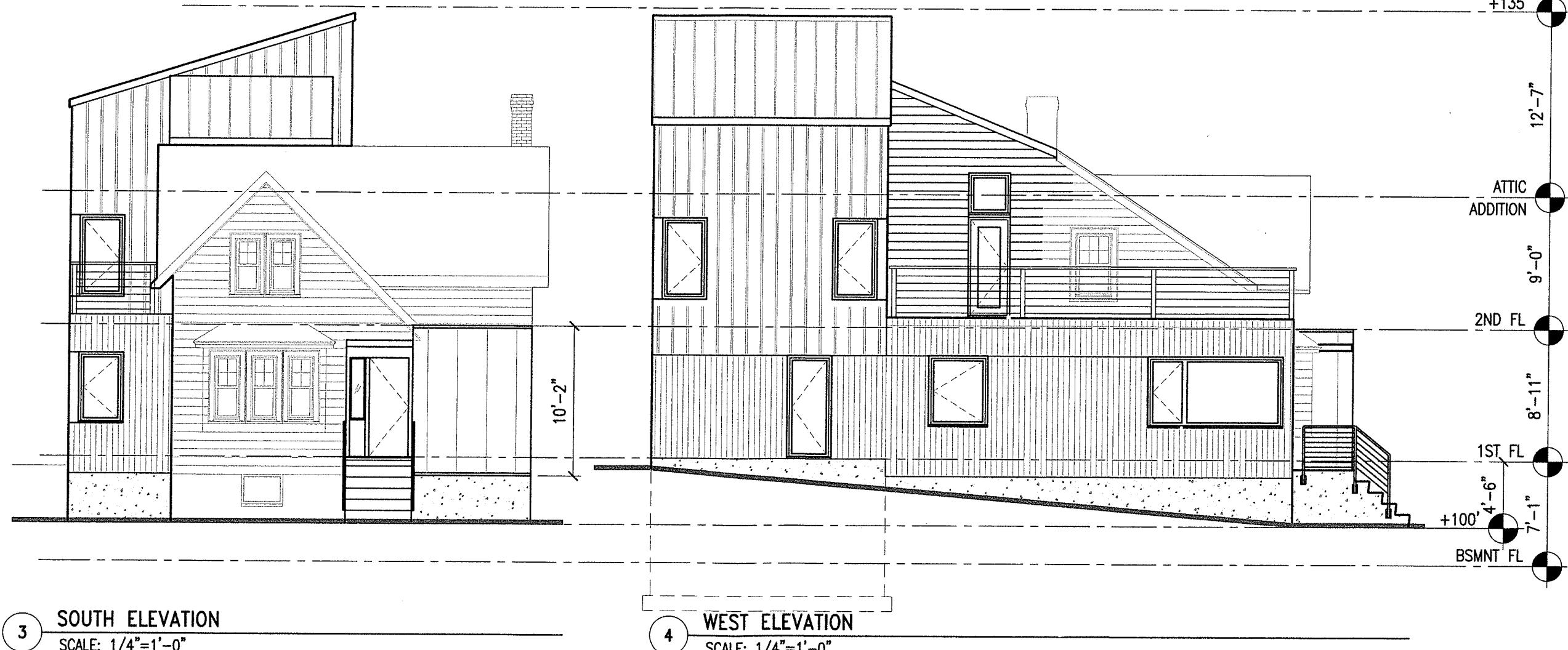




ZVZ STUDIO LLC
architecture
interior design
planning

137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:



HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476

Title:

BUILDING ELEVATIONS

PERMIT

Date: 9/28/2021
Drawing #:



Markus von
Zabern

If digitally signed by Markus von Zabern
Studio LLC, neofractal,
email: msvonzabern@gmail.com, c/o US
Date 2021-10-01 09:22:49 -04'00'

A2.2



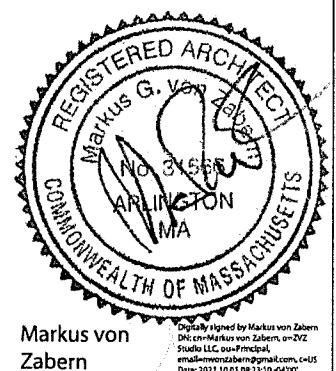
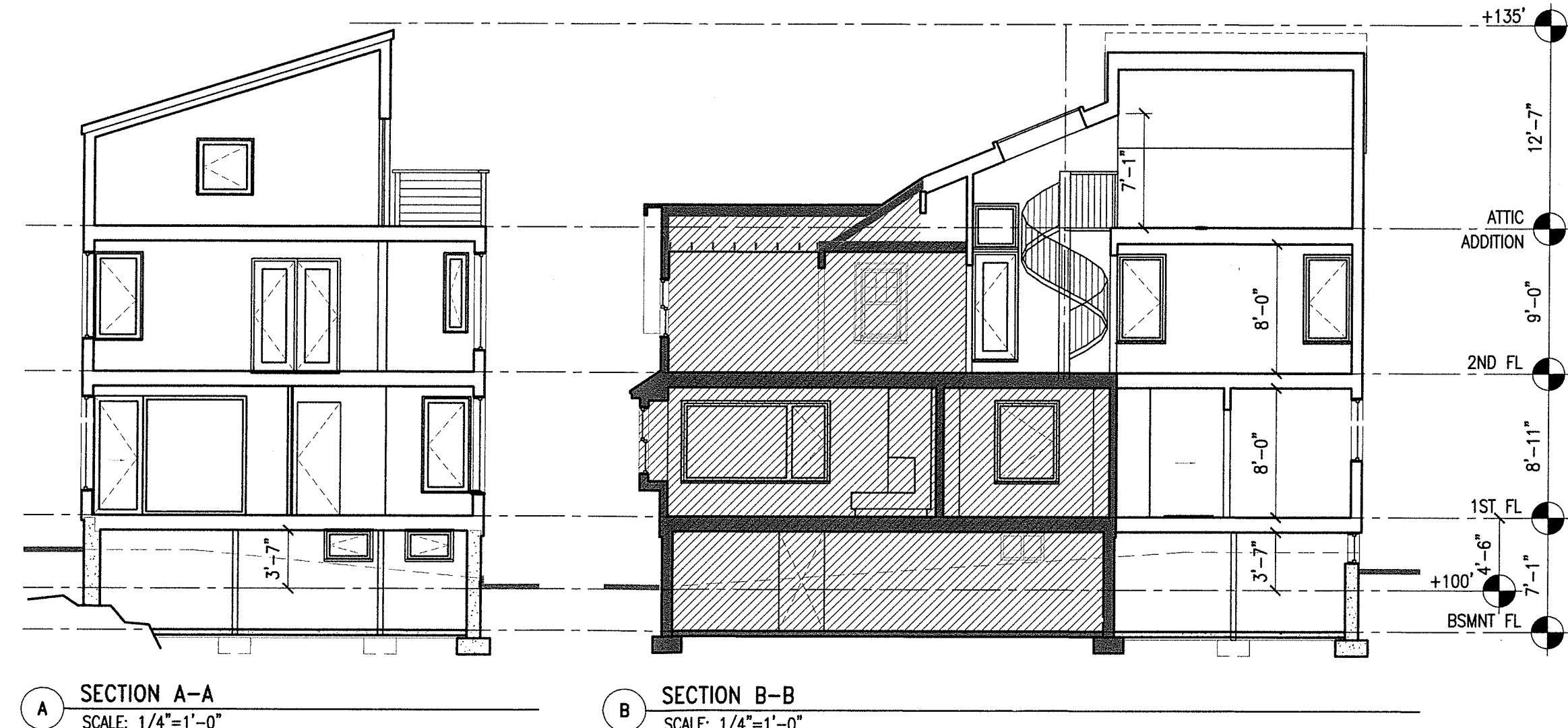
ZVZ STUDIO LLC
architecture
interior design
planning

137 Robbins Rd,
Arlington, MA 02476
T 603 828 7266

Structural Engineer:

HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476
Title:

BUILDING SECTIONS



Markus von
Zabern

Digital signed by Markus von Zabern
ZVZ STUDIO LLC, Inc., Inc.
Date: 2021.09.28 23:10:04-04'00'
Drawing #:

A3.1



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 11/15/2021
RE: Docket 3675 – 137 Robbins Road; Special Permit under Zoning Bylaw Section 5.4.2.B(6) (Large Additions) and Section 5.3.9.A (Projections into Minimum Yards)

The applicant, Jie Zhao, seeks a Special Permit in accordance with Section 5.4.2.B(6) (Large Additions) and Section 5.3.9.A (Projections into Minimum Yards) of the Zoning Bylaw. The applicant seeks to construct a large addition on the first and second floor of their single -family home, extending the building footprint 7.2 feet into the left side yard and 15.1 feet into the rear yard of their property. They also seek to enclose the existing open deck on the front façade to create a mud room of approximately 100 square feet, which exceeds the maximum 25 square foot projection into a minimum yard allowable by right in the Zoning Bylaw. The proposal would result in an increase in square footage from 1,549 to 2,702 square feet (+1,153 square feet). Lot coverage would increase from 16% to 28% (+12%).

The existing structure is nonconforming with the current Zoning Bylaw's lot size, frontage, and front yard dimensional requirements. The proposed addition introduces a new nonconformity by reducing the usable open space from 30% to 22% (-8%). The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted through a Special Permit in the R1 zoning district.

Criterion #2: Public Convenience/Welfare

This proposal would provide additional living space.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

There would not be an increase in traffic congestion or an impairment of public safety.

Criterion #4: Undue Burden on Municipal Systems

The Engineering Division should review the application's stormwater analysis report to determine whether the addition will increase the surface water runoff rate relative to the predevelopment runoff rate, as per Article 15 of the Town Bylaw.

Criterion #5: Special regulations

This proposal would not result in the need for special regulations.

Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

The addition will expand the footprint of the structure by 569 square feet, with most of the addition located along the side and rear of the existing structure. The applicant proposes to remove 264 square feet of the existing driveway, which is impervious, and replace it with new landscaping.

No single architectural style predominates on Robbins Road, which displays a mix of Colonial Revivals, Dutch Colonial Revivals, Capes, and Bungalows. Several of these structures have additions along the side yard or in the rear that appear to have been introduced in the last decade. As one travels northeast toward Gray Street, there are a number of properties that have been entirely rebuilt.

The proposed addition appears to be designed to contrast with the style of the existing structure. While creative design solutions are encouraged for new additions, the elimination of windows on the proposed mudroom combined with the contemporary addition and multiple rooflines detract from the principal entrance and create a feeling of imbalance to the structure. It is possible that this could be clarified through the provision of a rendering, as the tallest elements of the addition are set back to the rear of the structure. However, mixing the proposed number of roof forms is not recommended and creates a disorganized appearance.¹ The applicant could consider a more cohesive organization of the roof lines and complexity. Along the front façade, the applicant could consider introducing windows to the proposed mudroom to create a more welcoming appearance, as blank facades are not recommended on public-facing sides of a house.² Adjusting some of the roof lines and introducing a window(s) to the proposed mudroom would improve the renovated structure's contribution to the existing streetscape.

It appears from aerial imagery that there may be mature trees in the rear yard close to the existing structure. The applicant may need to receive approval of a Tree Plan from the Tree Warden prior to commencing work on the property per Article 16 of the Town Bylaw.

Criterion #7: Detrimental Excess in Particular Use

There would not be any detrimental excesses.

Below are aerial and street-based photos of the current building:

¹ Residential Design Guidelines, Principle C-1 <https://www.arlingtonma.gov/home/showdocument?id=54518>,

² Residential Design Guidelines, Principle A-4, <https://www.arlingtonma.gov/home/showdocument?id=54518>



Recommendation:

The Department of Planning and Community Development (DPCD) recommends that the applicant consider the described aesthetic improvements to the plans. Overall, DPCD maintains that owing to the small parcel size and the applicant's replacement of a portion of the current driveway with pervious surface, the reduction in the proportion of usable open space is acceptable and is consistent with the Zoning Bylaw. Should concerns about aesthetics, usable open space, and a tree plan be satisfied, DPCD recommends that the Zoning Board of Appeals approve this application.

Related Dockets:

- #3614: 20 Beacon St – Applicant sought a special permit to create a large addition of 1,896 square feet to their single-family home in an R2 district, citing a desire to remain in their property instead of moving away from Arlington. Approved on 1/28/20.
- #3603: 34 Governor Rd – Applicants sought a special permit to create a large addition of 1,575 square feet to their single-family home, citing a desire to accommodate a growing family and love for the neighborhood. Approved on 9/27/19.

House Addition

137 Robbins Road, Arlington, MA 02476



PERMIT

NOVEMBER 05, 2021

SITE MAP:	GENERAL NOTES:	ABBREVIATIONS	DRAWING LIST
 	<p>1. THE CONTRACTOR SHALL ADHERE TO ALL CODES HAVING JURISDICTION IN CONSTRUCTION OF THE PROJECT.</p> <p>2. GC TO ASSUME RESPONSIBILITY FOR CORRECTNESS OF WORK AND ADEQUACY OF WORK. BE RESPONSIBLE FOR AND PAY ALL DAMAGES CAUSED BY WORK OR WORKMEN.</p> <p>3. THE GC SHALL OBTAIN AND PAY FOR ALL PERMITS AND ARRANGE FOR INSPECTIONS AND APPROVALS FROM THE GOVERNING AUTHORITIES.</p> <p>4. ALL ELECTRICAL WORK SHALL BE DONE BY A LICENSED ELECTRICIAN. ALL PLUMBING SHALL BE DONE BY LICENSED PLUMBER.</p> <p>5. FIELD VERIFY ALL DIMENSIONS AND CONDITIONS. PROMPTLY NOTIFY THE ARCHITECT OF ANY ERRORS, OMISSIONS, INCONSISTENCIES OR OTHER PROBLEMS IMMEDIATELY UPON DISCOVERY, AND BEFORE PROCEEDING WITH THE WORK.</p> <p>6. THESE DRAWINGS ONLY SHOW DESIGN INTENT. CONTRACTOR TO COORDINATE DIMENSIONS, PLUMBING AND ELECTRICAL SYSTEMS REQUIRED TO COMPLETE WORK.</p> <p>7. A STRUCTURAL ENGINEER SHALL VERIFY THE STRUCTURAL INTEGRITY OF EXISTING AND NEW STRUCTURAL WORK.</p>	<p>AFF ABOVE FINISH FLOOR DEMO DEMOLITION DIA DIAMETER EA EACH EXIST EXISTING FIN FINISH FLR FLOOR GC GENERAL CONTRACTOR GWB GYPSUM WALL BOARD MANUF MANUFACTURER NIC NOT IN CONTRACT PTD PAINTED REQ'D REQUIRED RM ROOM SCHED SCHEDULE SS STAINLESS STEEL STRUCT STRUCTURE TBD TO BE DETERMINED TYP TYPICAL WD WOOD</p>	<p>A0.0 COVER, NOTES, DRAWING LIST A0.1 SITE PLANS – EXISTING & PROPOSED D1.0 DEMOLITION PLANS & ELEVATIONS A1.1 FLOOR PLANS A1.2 FLOOR PLANS A2.1 BUILDING ELEVATIONS A2.2 BUILDING ELEVATIONS A3.1 BUILDING SECTIONS</p>



HOUSE ADDITION
1137 Robbins Road, Arlington, MA 02476

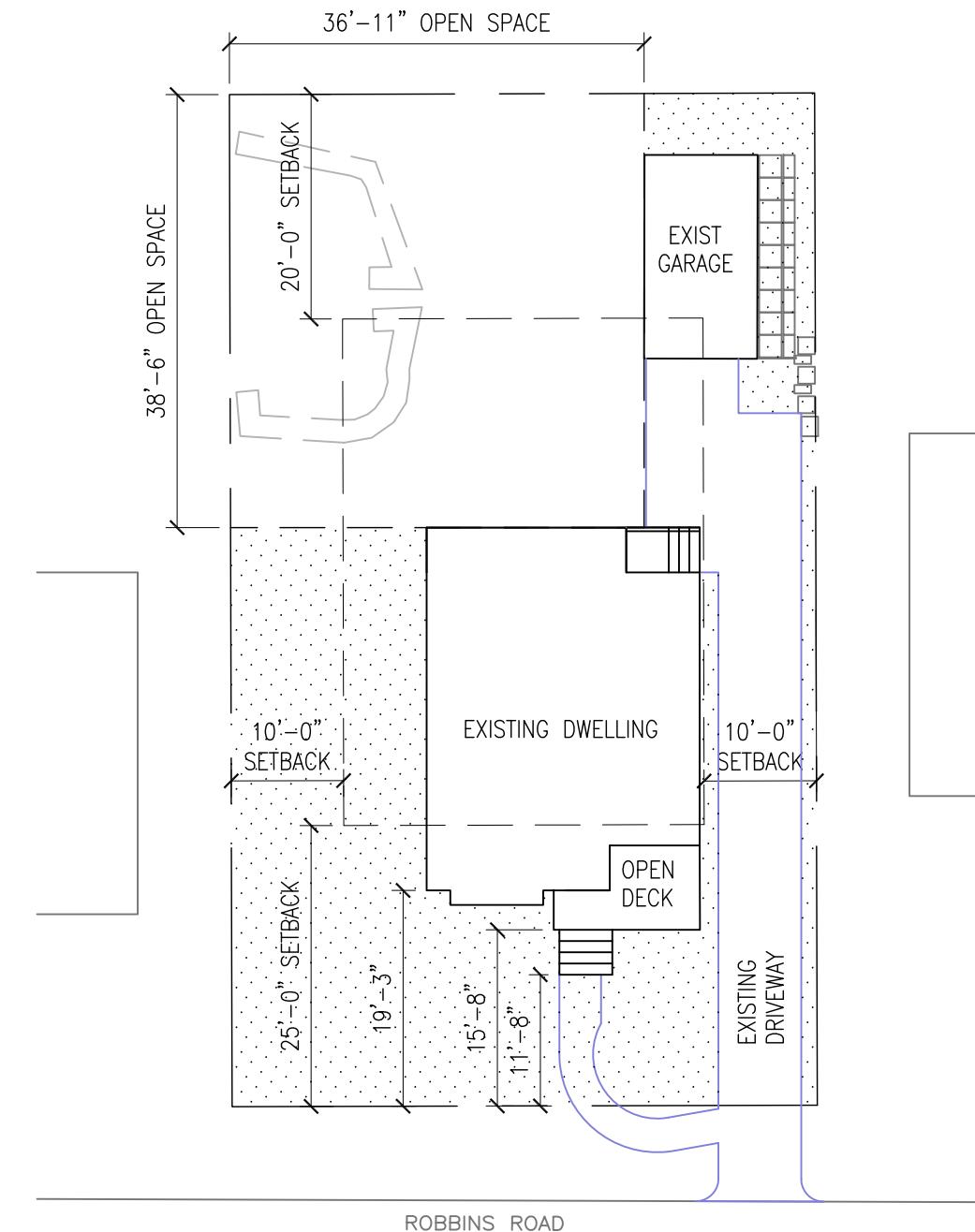
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Date: 11/05/2021

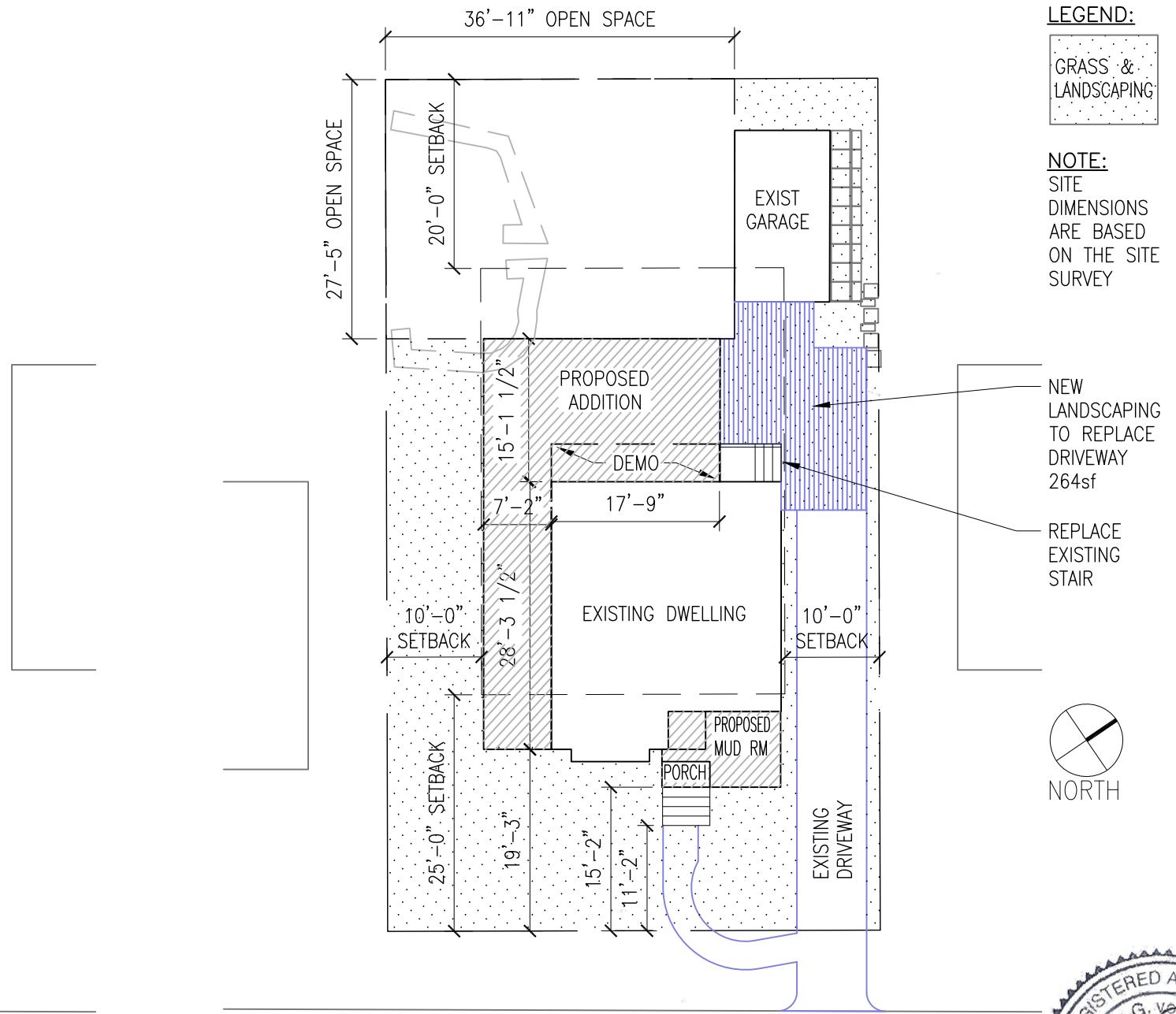
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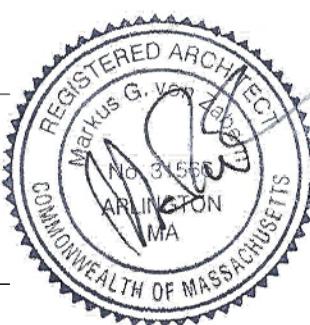


1 EXISTING SITE PLAN
SCALE: 1/16"=1'-0"

126 of 132



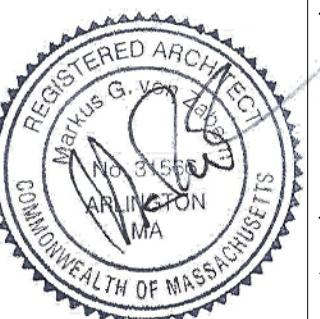
2 PROPOSED SITE PLAN
SCALE: 1/16"=1'-0"



Date: 11/05/2021
Drawing #: A0.1

SITE PLANS - EXISTING & PROPOSED
Title:
HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476

PERMIT



PERMIT

Date: 11/05/2021
Drawing #: D1.0



1 DEMOLITION-SOUTH ELEV
SCALE: 1/16"=1'-0"



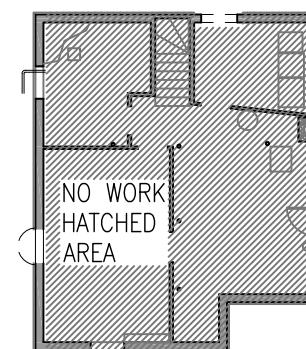
2 DEMOLITION-WEST ELEV
SCALE: 1/16"=1'-0"



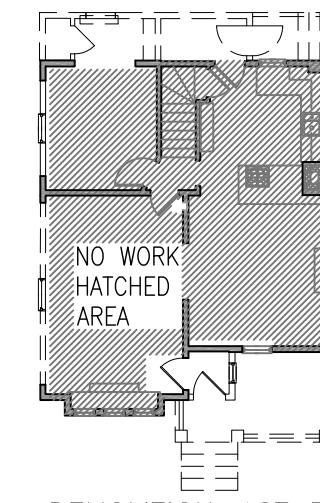
3 DEMOLITION-NORTH ELEV
SCALE: 1/16"=1'-0"



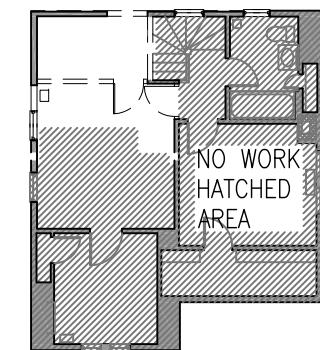
4 DEMOLITION-EAST ELEV
SCALE: 1/16"=1'-0"



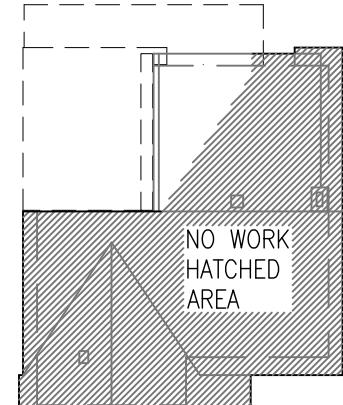
5 DEMOLITION-BASEMENT
SCALE: 1/16"=1'-0"



6 DEMOLITION-1ST FLOOR
SCALE: 1/16"=1'-0"



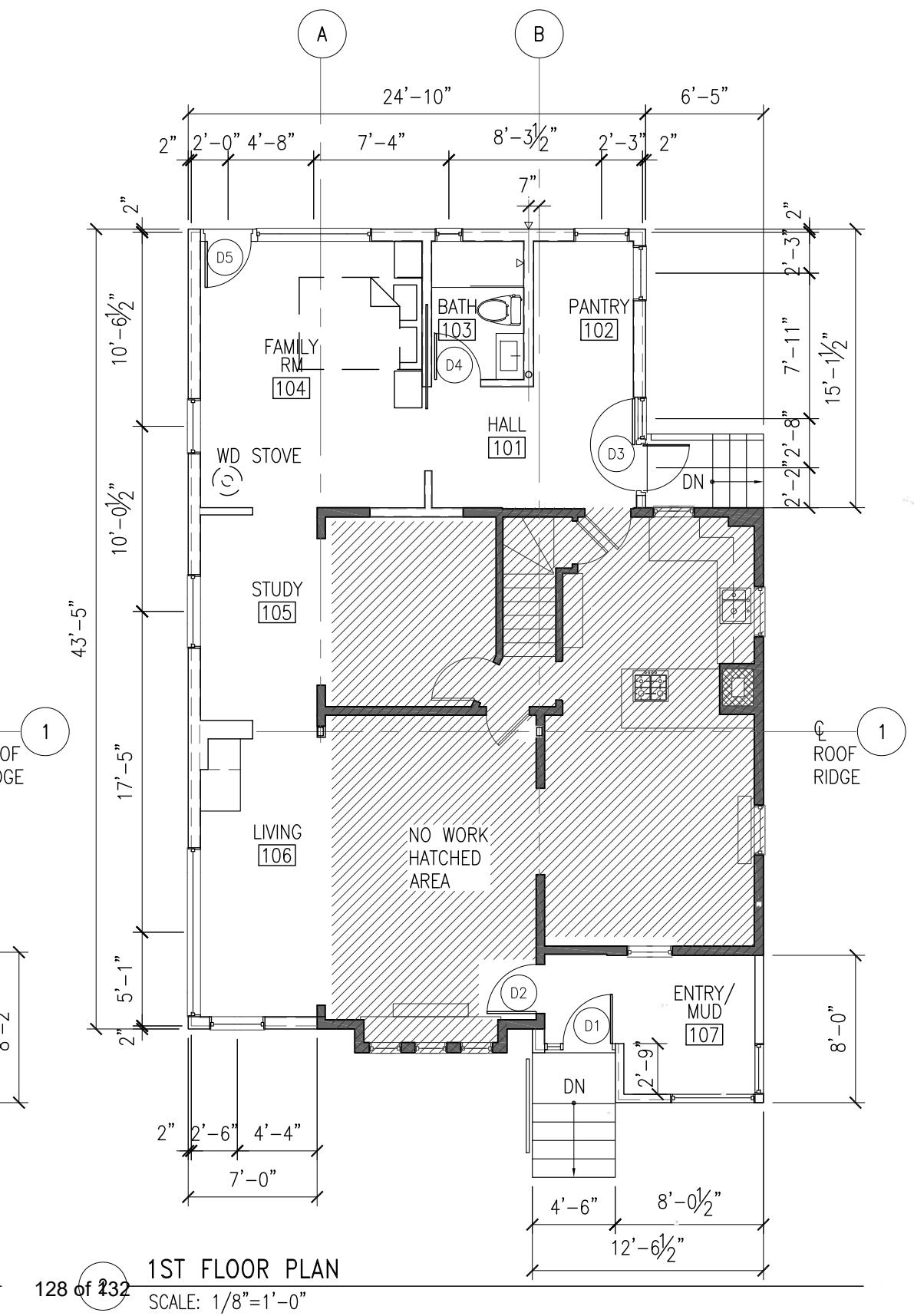
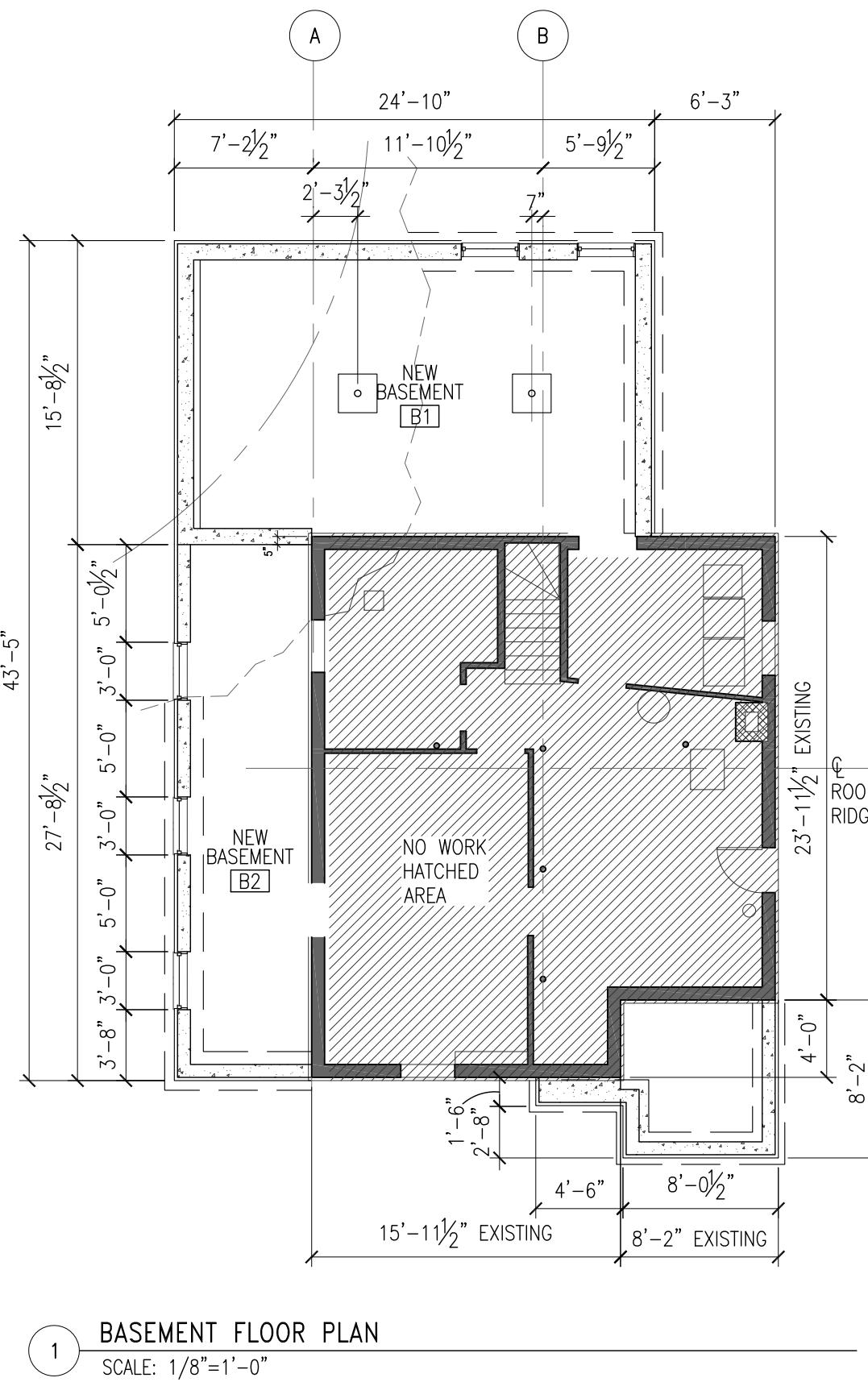
7 DEMOLITION-2ND FLOOR
SCALE: 1/16"=1'-0"



8 DEMOLITION-ROOF
SCALE: 1/16"=1'-0"

GENERAL NOTES
<ol style="list-style-type: none"> NO WALLS SHALL BE DEMOLISHED UNTIL ADEQUATE STRUCTURAL SUPPORT IS PROVIDED FOR EXISTING CONDITION. WHERE PLUMBING, ELECTRICAL IS TO BE REMOVED, GC SHALL CAP END RUNS.

LEGEND
AREA TO REMOVE
WALL TO REMAIN
INDICATES WALL TO BE REMOVED
INCIDATES ITEM TO BE REMOVED
INCIDATES ITEM TO REMAIN
DEMOLITION KEYNOTE

**GENERAL NOTES**

1. FLOORING SHALL EXTEND UNDER ALL MILLWORK (TYP)
2. REFER TO INTERIOR ELEVATIONS FOR WALL FINISHES
3. REVIEW TILE LAYOUT WITH ARCHITECT PRIOR TO INSTALLATION
4. ALL FLOOR TILE LOCATIONS TO HAVE CRACK SUPPRESSION MEMBRANE

LEGEND

- EXISTING WALL
NEW CONSTRUCTION

HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476
Title:

FLOOR PLANS

PERMIT

Date: 11/05/2021

Drawing #:

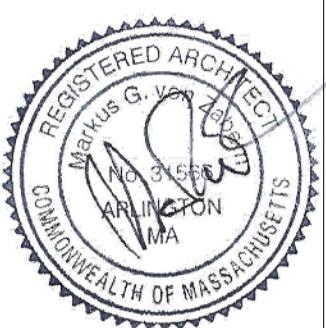
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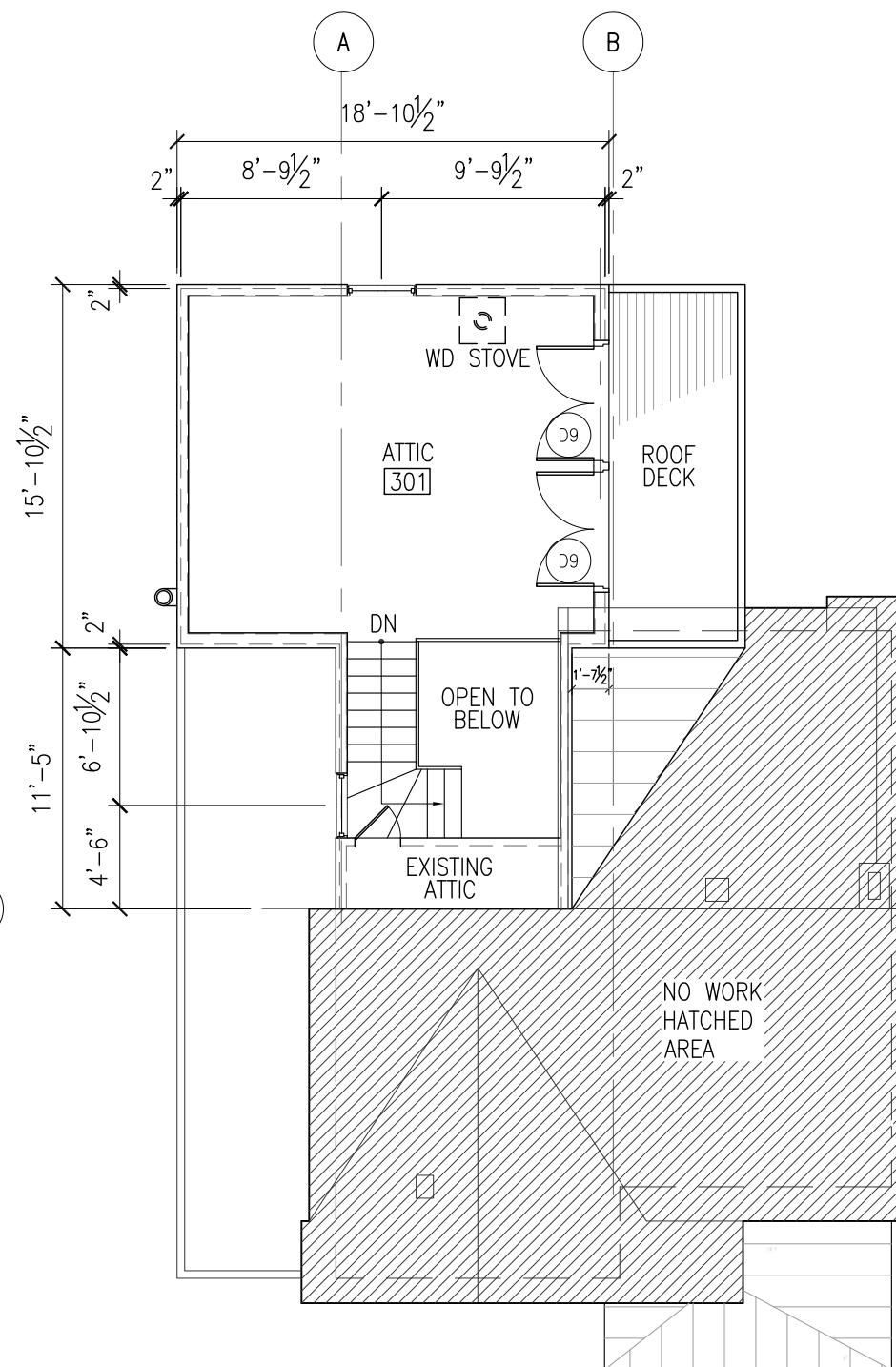
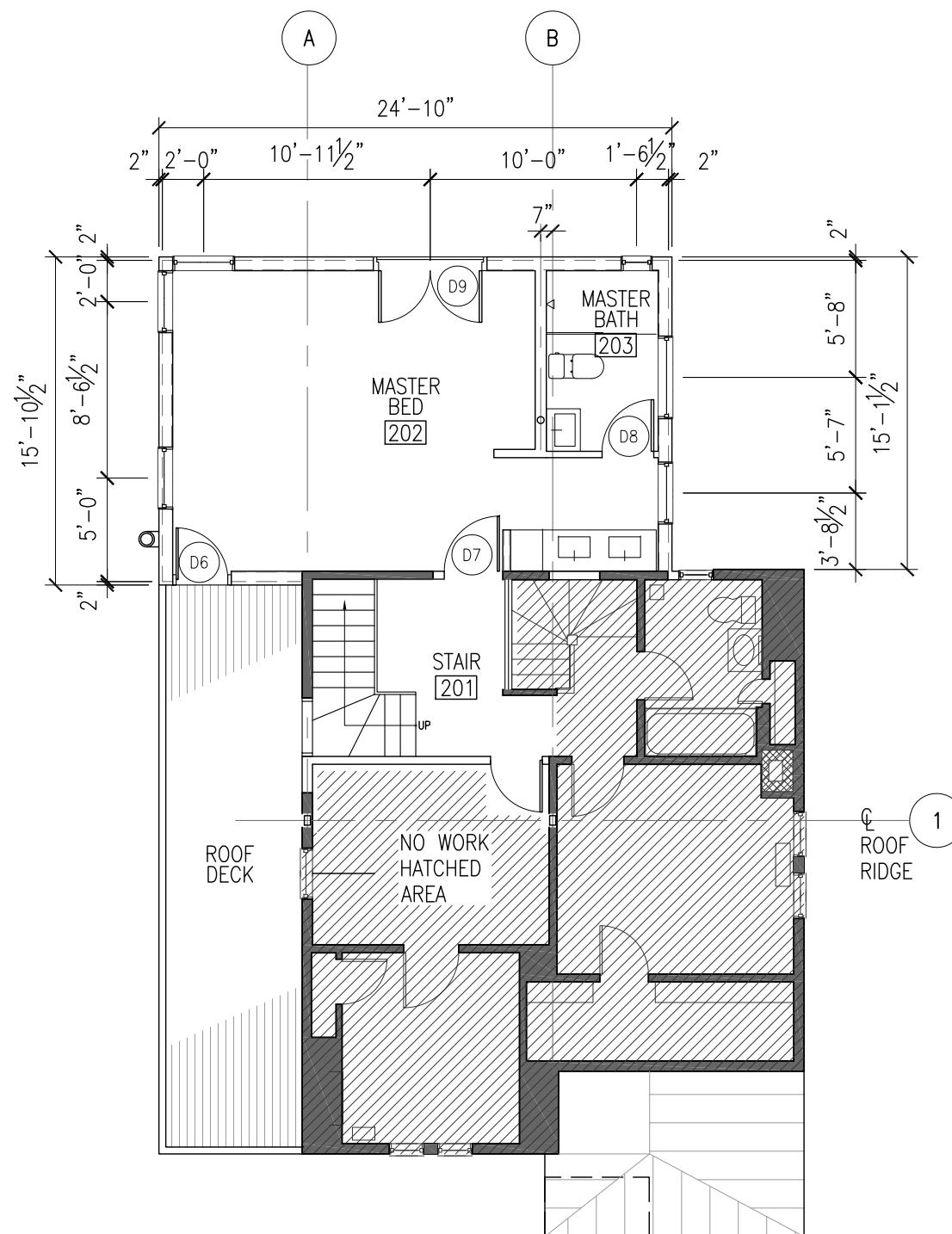


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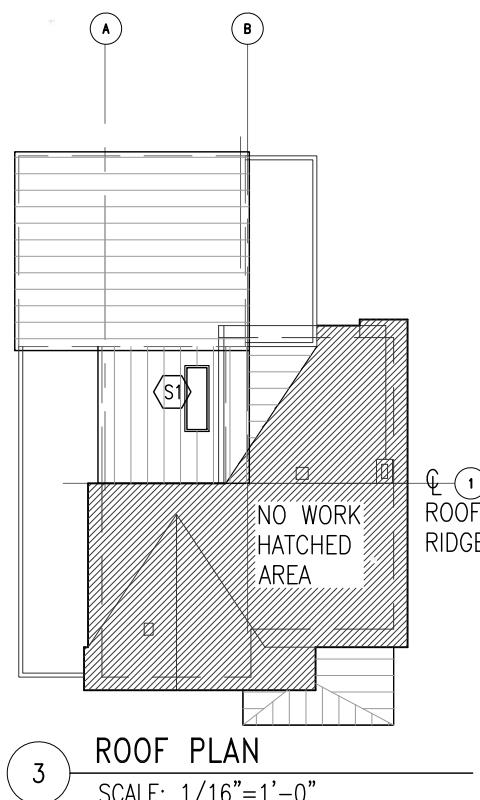


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LEGEND

	EXISTING WALL
	NEW CONSTRUCTION



HOUSE ADDITION
137 Robbins Road, Arlington, MA 02476
Title:

FLOOR PLANS

Structural Engineer:

ZVZ
STUDIO
DIO

ZVZ STUDIO LLC
architecture
interior design
planning

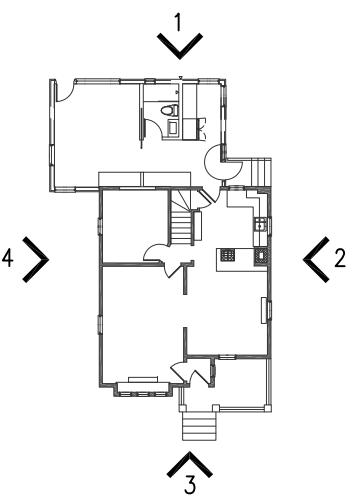
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A1.2





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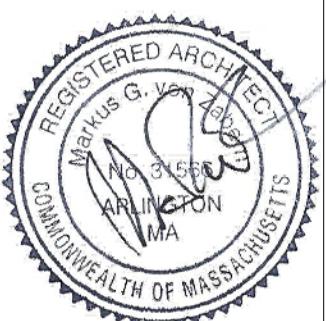
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A2.1





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